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TOWN OF ARLINGTON  
730 MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476**

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**STEPHANIE L. LUCARELLI  
TOWN CLERK**

**TELEPHONE**  
**(781) 316-3070**

November 23, 2018

**By First Class and Electronic Mail**

Ms. Tanya J. Reynolds, Clerk  
Housing Appeals Committee  
100 Cambridge Street, Suite 300  
Boston, MA 02114

**Re: In the Matter of Arlington Board of Appeals and Arlington Land  
Realty, HAC No. 2016-08**

Dear Ms. Reynolds:

Per the request of HAC Chair, Shelagh Ellman-Pearl please find attached for filing in the above-referenced matter, a certified copy of the "Town of Arlington Zoning Bylaw, Adopted October 8, 1975 with Amendments through Town Meeting of April, 2016."

Please also accept this letter as certification from this Office, that the Town of Arlington Zoning Map previously filed in this matter by counsel accurately reflects the Zoning Map associated with the Zoning Bylaw through the same April 2016 Town Meeting.

Respectfully submitted,

*Stephanie Lucarelli*  
Stephanie Lucarelli  
Town Clerk  
(781) 316-3070

Enc.



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# TOWN OF ARLINGTON

## ZONING BYLAW



**ADOPTED, OCTOBER 8, 1975  
WITH AMENDMENTS THROUGH  
TOWN MEETING OF APRIL, 2016**

**Note: Subsequent to May 1976, amendments to individual sections  
are noted in the margin with specific town meeting references.**

I hereby certify the foregoing to be a TRUE  
COPY from the records of the Town Clerk's  
Office, Arlington Massachusetts.

ATTEST Stephanie L. Lucarelli  
TOWN CLERK



300 ft of phosphate soil which was 1  
ft of topsoil in 1900 and 1902  
is now covered with vegetation.

300 ft of phosphate soil  
1 ft of topsoil

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## **ZONING BYLAW**

### **TOWN OF ARLINGTON, MASSACHUSETTS**

#### **ARTICLE 1**

##### **TITLE, AUTHORITY, AND PURPOSE**

###### **Section 1.01 - Short Title**

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

###### **Section 1.02 - Authority**

ART. 72, ATM 3/85

This Bylaw is adopted pursuant to the Authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the "Zoning Act." Where the Zoning Act is amended from time to time after the effective date of this Bylaw and where such amendments are mandatory, such amendments shall supersede any regulations of this Bylaw which have been set forth on the basis of the Zoning Act in existence at the effective date of this Bylaw. Where references are to particular sections or provisions, and such sections or provisions are or have been amended, renumbered, or otherwise changed by the General Court, the reference shall be to the section or provision as so changed.

###### **Section 1.03 - Purpose**

ART. 14, ATM 4/01, ART. 16, ATM 4/01

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

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## ARTICLE 2 DEFINITIONS

### **Section 2.01 - General**

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by The Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

#### **Abandonment:**

The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

#### **Adult Uses:**

ART. 103, ATM 3/83; ART. 17, ATM 4/97

All those uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

#### **Alteration:**

Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

#### **Apartment House:**

A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

#### **ARB:**

The Arlington Redevelopment Board which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

#### **Artisanal Fabrication:**

ART. 6, ATM 4/16

Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage; and where the production, operations, and storage of materials related to production occupy no

more than 5,000 square feet of gross floor area. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

**Artistic/Creative Production:**

**ART. 6, ATM 4/16**

Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content & applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

**Assisted Living:**

A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance.

**Awning:**

A rooflike covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

**\*Basement:**

A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four (4) feet six (6) inches or more above the average finished grade.

**Bed and Breakfast:**

**ART. 13, ATM 5/91**

A dwelling in which lodging units are rented and breakfast is served to the people occupying the lodging units, and which has a resident owner or manager.

**Bed and Breakfast Home:**

**ART. 13, ATM 5/91**

A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent.

**Boarding House; Boarding Home:**

A house in which a regular service of meals is furnished for persons for a remuneration.

**Building:**

A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

**Building Step Back:**

**ART. 6, ATM 4/16**

Upper story building setback provided along all building elevations with street frontage, excluding alleys.

**Building, Accessory:**

A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building, or on an adjacent lot in the same ownership.

**Building Area:**

The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

**Building, Attached:**

A building having any portion of one or more walls in common with adjoining buildings.

**Building Coverage:**

The building area expressed as a percent of the total lot area.

**Building, Detached:**

A building having open space on all sides.

**Building, Setback Line:**

The line established by this Bylaw, beyond which a building shall not extend, except as specifically provided by this Bylaw.

**Building, Nonconforming:**

A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

**Building, Principal:**

A building in which is conducted the principal use of the lot on which it is located.

**Carport:**

A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

**Catering:**

**ART. 5, ATM 4/02**

Provision of prepared food, and sometimes food presentation, service staff and equipment to an off-premises location.

**Catering Service:**

**ART. 5, ATM 4/02**

Food preparation at an establishment whose principal use is restaurant or fast-order food establishment, in quantities in excess of individual meal offerings, intended for consumption at an off-premises site.

**\*Cellar:**

A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

**Certificate of Occupancy:**

A statement signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

**Commercial Vehicle:**

**ART 7, ATM 4/93**

Any truck, including but not limited to stepvans and cube vans, or bus, or a registered motor vehicle including but not limited to passenger car, pickup truck, or passenger van on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or where tools of said business or professional affiliation are visibly stored on the exterior of the vehicle, or a recreational vehicle used in conjunction with a business. A pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle for purposes of the bylaw.

**Common Land:**

A parcel or parcels of open space within the site designated for a planned unit development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private.

Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.

**Conservation Land:**

**ART. 14, ATM 4/01**

A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.

**Court:**

An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

**\*Court, Inner:**

A court surrounded on all sides by the exterior walls of a structure.

**\*Court, Outer:**

A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

**District:**

A zoning district as established by Article 3 of this Bylaw.

**Dormitory:**

A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semipermanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

**Drive-In Food Service Establishment:**

A fast-order food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles and any fast-order food establishment which provides a greater number of parking spaces than is required by the Zoning Bylaw.

**Driveway:**

An open space, which may be paved located on a lot, which is not more than twenty (20) feet in width built for access to a garage, or off-street parking or loading space.

**Duplex House:**

ART. 9, ATM 4/02

A building containing two dwelling units joined side by side, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one (1) principal building occupying one (1) lot for the purpose of determining yard requirements.

**Dwelling:**

ART. 13, ATM 5/91

A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, mobile home, or dormitory.

**Dwelling Unit:**

One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Erected:**

The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged and moved.

**Essential Services:**

Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.

**Family:**

An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three (3) lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single

housekeeping unit, may constitute a family. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a single family.

**Fast-Order Food Establishment:**

An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

**Floodline:**

The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer, qualified in drainage.

**\*Floor Area Ratio:**

The ratio of the gross floor area to the total area of the lot.

**Frontage:**

**ART. 4, ATM 4/88**

The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

**Garage, Private:**

Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

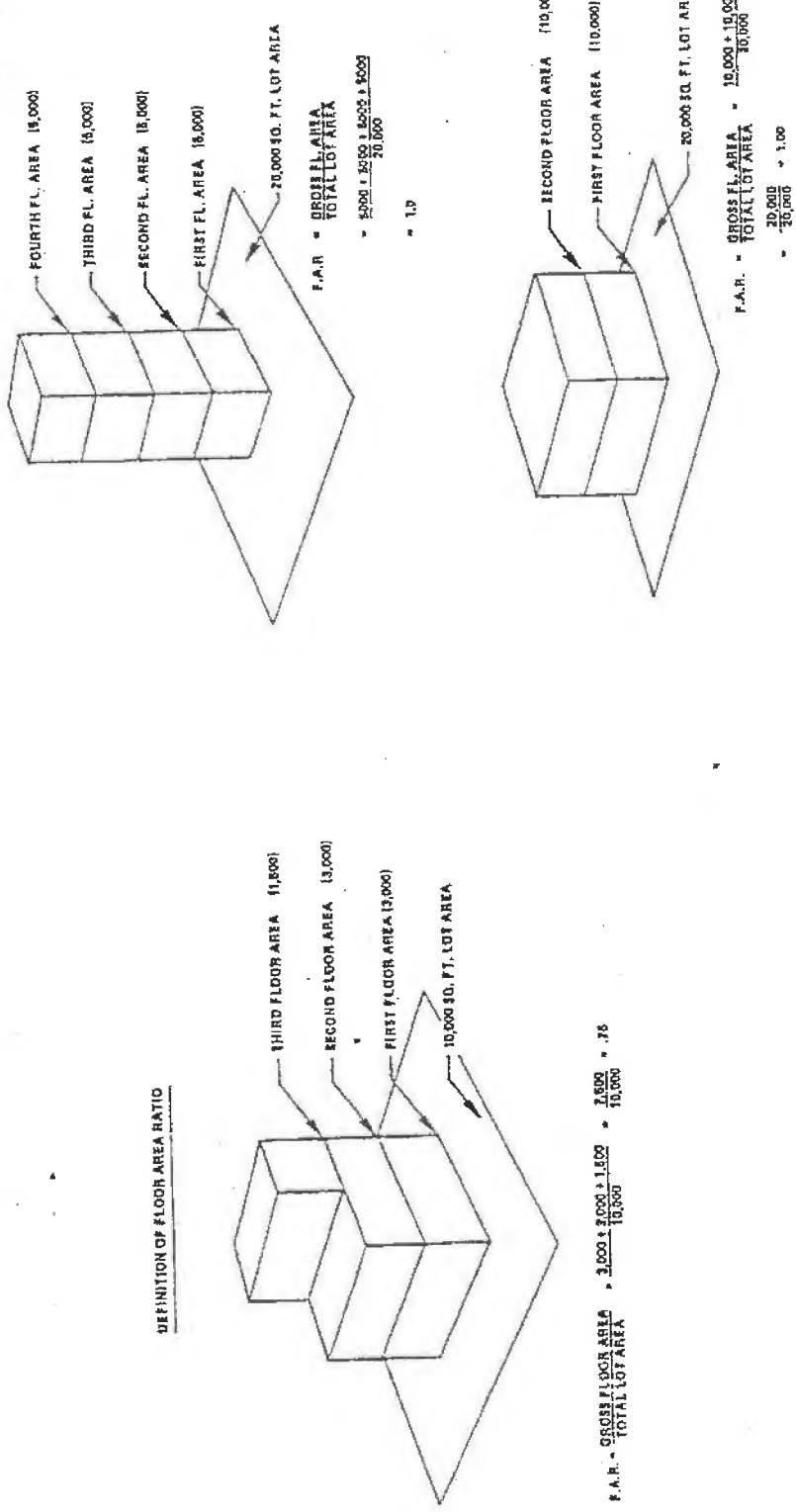
**Garage, Auto Repair:**

Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained, but not including body work or painting.

**Garage, Public:**

Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

DEFINITION OF FLOOR AREA RATIO  
(DIFFERENT STRUCTURES WITH THE SAME RATIO)



\*Gross Floor Area:

ART. 95, ATM 3/87, ART 12, ATM 4/01

The sum of the gross horizontal areas of all the floors of a principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two (2) buildings, including:

- a. elevator shafts and stairwells on each floor;
- b. that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (4), below;
- c. interior mezzanines, and penthouses;
- d. basements except as excluded in (2), below; and cellars in residential use;
- e. all weather habitable porches and balconies; and
- f. parking garages except as excluded in (1), below;

but excluding:

1. areas used for accessory parking garages, or off-street loading purposes;
2. that part of basements devoted exclusively to mechanical uses accessory to the operation of the building;
3. open or lattice enclosed exterior fire escapes;
4. attic space and other areas for elevator machinery or mechanical equipment accessory to the operation of the building; and
5. porches and balconies.

Ground-Mounted Solar Photovoltaic Installation:

ART. 9, ATM 4/10

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height.

Health Club:

ART. 5 ATM 4/94

An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

Height of Building:

ART. 15, ATM 5/91

The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property. In the R0, R1 and R2 zoning districts where the lot has a slope in excess of five (5) percent, the height is the vertical distance of the highest point of the roof above the average finished grade of the ground adjoining the building as computed before the building is actually erected. This definition excludes penthouses, bulkheads, and other allowable superstructures above the roof line.

Home Occupation:

ART. 12, ATM 4/93

An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there is to be no retail sale of merchandise on the premises. Such use shall be carried on by the occupants of the dwelling unit in compliance with the provisions of Section 5.05 and shall not in any manner change the residential character of the building.

Home occupations do not include such uses as barber shops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously, and in the case of musical instruction, more than one pupil at a time.

Hospital:

An institution certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary:

A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel:

ART. 19, ATM 4/97

A building or any part of a building containing rooming units without individual cooking facilities except for coffee makers, cook plates, and microwave ovens for transient occupancy and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

Inspector of Buildings:

Inspector of Buildings, Arlington, Massachusetts.

Junk:

Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard:

The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space:

An off-street space at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than one thousand three hundred (1,300) square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Inspector of Buildings to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

Lodging Unit:

ART. 13, ATM 5/91

One or more rooms for the semipermanent use of one, two or three individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, bed and breakfasts, bed and breakfast homes, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

**Lot:**

An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds. A series of two or more attached and/or semi-detached dwellings may under certain conditions be considered to occupy a single lot regardless of ownership.

**\*Lot, Corner:**

A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than one hundred thirty-five (135) degrees.

**\*Lot, Interior:**

A lot, the side lines of which do not abut on a street.

**\*Lot Line, Front:**

**ART. 8, ATM 4/98**

The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

**\*Lot Line, Rear:**

Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

**\*Lot Line, Side:**

Any lot line not a front or rear lot line.

**Lot, Nonconforming:**

A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.

**\*Lot, Through:**

A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

**Marquee:**

A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

**"Medical Marijuana Treatment Center:**

**ART. 6, ATM 4/14**

A not-for-profit establishment registered with the Commonwealth, also known as a "registered marijuana dispensary" (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes"

**Membership Club:**

A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

**Mixed Use:**

ART. 6, ATM 4/16

A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

**Notice:**

ART. 7, ATM 5/15

Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

**Office:**

A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts his professional business.

**Open Space:**

A yard including sidewalks, swimming pools, terraced areas, patios, playcourts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

**\*Open Space, Landscaped:**

Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

**\*Open Space, Usable:**

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than eight (8) percent and (2) no horizontal dimension is less than 25 feet.

**Outdoor Storage Area:**

A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

**Owner:**

The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory:  
ART. 95, ATM 3/87

Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Article 8.

Penthouse:

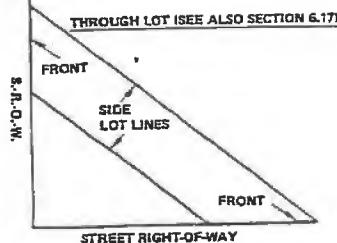
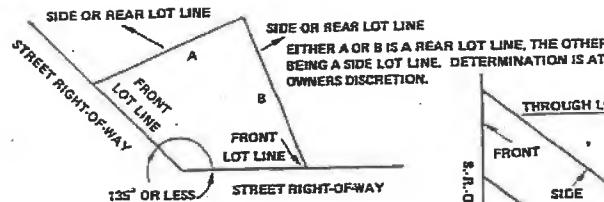
An enclosed structure above the roof of a building, other than a roof structure, extending not more than twelve (12) feet above the roof and occupying not more than thirty-three and one-third (33-1/3)percent of the roof area.

Planned Development:

A development involving the construction of two or more principal buildings on the same lot for any permitted use.

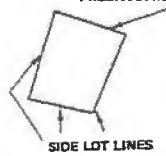
DEFINITION OF A LOT & FRONT, SIDE & REAR LOT LINES

CORNER LOT (SEE ALSO SECTION 6.17)



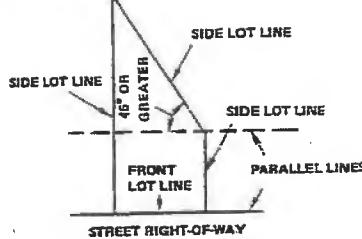
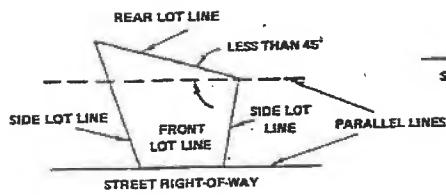
INTERIOR LOT

REAR LOT LINE (THAT FURTHEST FROM A STREET RIGHT-OF-WAY)



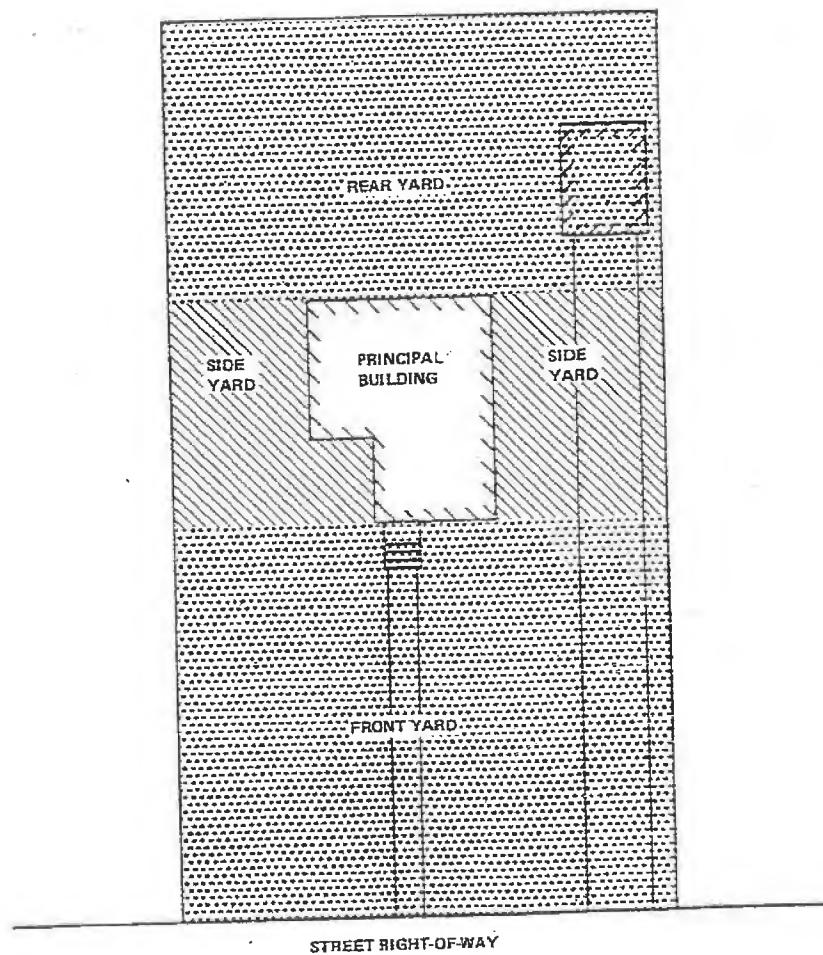
STREET RIGHT-OF-WAY

ODD SHAPED LOTS



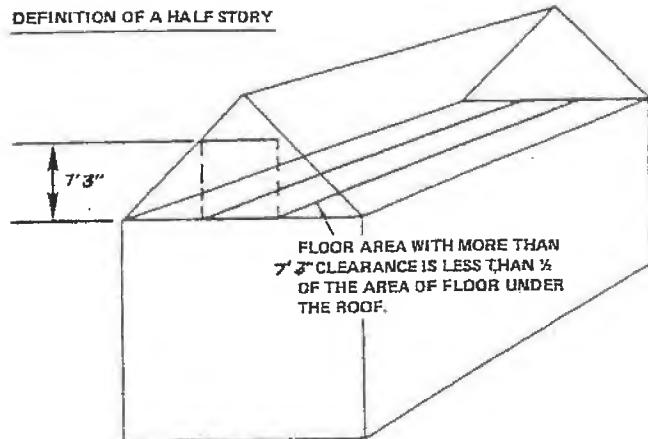
"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning Bylaw."

**RELATIONSHIP OF FRONT AND REAR YARDS TO SIDE YARDS  
AND TO THE PRINCIPAL BUILDING**

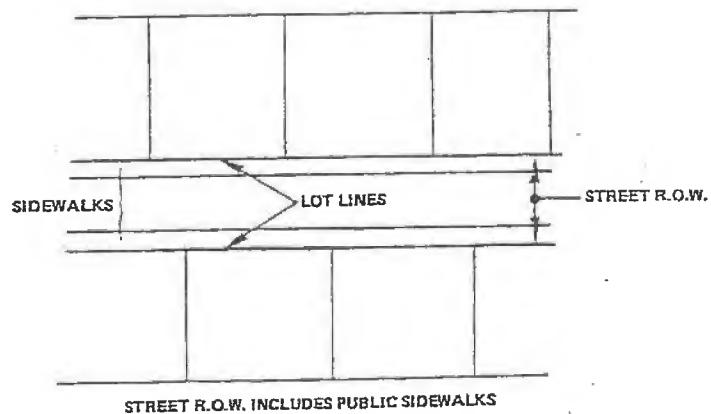


"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning Bylaw."

DEFINITION OF A HALF STORY



DEFINITION OF A STREET RIGHT-OF-WAY



"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning Bylaw."

**Recreational Trailer or Vehicle:**

A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.
- b. Pick-Up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

**Rehabilitation Residence:**

For the purposes of this Bylaw, a building licensed or operated by the Commonwealth of Massachusetts as a Group Residence to provide residential care of alcoholic, drug or mental patients.

**Repair:**

With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

**Research and Development Activities:**

**ART. 8, ATM 4/10**

Establishments used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing.

The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

**Restaurant:**

An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

**Rooming or Lodging House:**

A building containing four or more lodging units.

Service Station:

ART. 5, ATM 5/91

A building or part thereof with no more than three service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments to parts or motor not involving removal of head, crankcase or racing motor.

Setback:

The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded by Section 6.19.

Shared Vehicle:

ART.5, ATM 5/07

A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

Sign:

ART. 6, ATM 4/12

Any permanent structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction. This definition shall include signs located within a window when illuminated. Marquees, canopies, clocks, thermometers and calendars shall be subject to the provisions when used in conjunction with signs as defined above.

A sign shall be painted, posted or otherwise securely affixed to a substantial intermediate removable surface and, except for free-standing signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public.

Sign, Accessory:

Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage:

The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

**Sign, Awning:**  
**ART. 10, ATM 4/01**  
A sign applied directly to or incorporated as part of an awning.

**Sign, Brackett:**  
**ART. 7, ATM 4/10**  
A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

**Sign Canopy:**  
**ART. 3 ATM 4/88**  
Rooflike covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

**Sign, Facing or Face:**  
The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

**Sign, Freestanding:**  
A sign not a part of or attached to any building but generally located elsewhere on a lot.

**Sign, Ground:**  
A free-standing sign located on or close to the ground, the top of which shall not be higher than four (4) feet above the ground.

**Sign, Permanent:**  
Any sign as defined above, intended to be erected and maintained for more than sixty (60) days.

**Sign, Portable:**  
A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

**Sign, Projecting:**  
Any sign which is attached to a building or other structure and any part of which projects more than twelve (12) inches from the wall surface of that portion of the building or structure in front of which the sign is positioned

**Sign, Roof:**  
Any sign erected, constructed and maintained upon or over the roof of any building.

**Sign, Standing or Pole:**  
A free-standing sign not exceeding fifteen (15) feet in height with eight (8) feet of clearance under the sign area and erected upon supporting devices or stands.

**Sign, Temporary:**  
Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed sixty (60) days.

**Sign, Wall:**

A sign not exceeding four (4) feet in height securely affixed to a wall projecting no more than twelve (12) inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

**Sign, Primary Wall:**

A sign on the building face fronting on a street or parking lot frontage.

**Sign, Secondary Wall:**

A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed fifty (50) percent of the maximum possible area of the primary wall sign.

**Signs, Window:**

**ART. 9, ATM 4/01**

Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25 % of the area visible from the exterior of the building.

**Special Permit:**

A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Board and in accordance with provisions of Article 10.

**Special Permit Granting Authority:**

**ART. 12, ATM 5/91**

The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 11.06 of the Zoning Bylaw, the Arlington Redevelopment Board.

**Story:**

The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four (4) feet six (6) inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

**\*Story, Half:**

**ART. 12, ATM 4/01**

A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area has a clear height of seven feet three inches or more.

**\*Street:**

A public or private way which is 27 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

Structure:

ART. 11, STM 5/97

A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, or the like.

Three-Family Dwelling:

ART. 81, ATM 4/80

A house containing three (3) dwelling units.

Town House Structure:

A row of at least three (3) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.

Trailer:

Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purposes of this Bylaw.

Two-Family Dwelling:

A house containing two (2) dwelling units, in which part of one dwelling unit is over part of the other dwelling unit. (See Duplex House.)

Use:

The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory:

A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Use, Nonconforming:

A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.

Use, Principal:

The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Bylaw.

Use, Substantially Different:

A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Variance:

Such departure from the terms of this Bylaw as the ZBA, upon appeal in specific cases, is empowered to authorize under the terms of Article 10.

Wireless Communications Facility:

ART. 11, STM 5/97

An assemblage of equipment intended to receive and/or transmit radio waves for the purpose of providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Yard:

ART. 96, ATM 3/87

An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall or building part not specifically excluded by Section 6.19 and a lot line. Structures which are below the finished lot grade, including shelters for nuclear fallout shall not be deemed to occupy required yards.

\*Yard, Front:

ART. 96, ATM 3/87

A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

\*Yard, Rear:

ART. 96, ATM 3/87

A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

\*Yard, Side:

ART. 96, ATM 3/87

A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ZBA:

The Zoning Board of Appeals of the Town of Arlington, Massachusetts.

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## ARTICLE 3

### ESTABLISHMENT OF DISTRICTS

#### **Section 3.01 - Establishment of Districts**

ART. 15, ATM 5/91; ART.4, ATM 4/97; ART 14., ATM 4/01; ART. 2, STM 9/04

For the purposes of this Bylaw, the Town of Arlington is hereby divided into 19 districts to be known as:

Full name and class	Short name
Residence 0	Residential
Residence 1	R0
Residence 2	Residential
Residence 3	R1
Residence 4	Residential
Residence 5	R2
Residence 6	Residential
Residence 7	R3
Business 1	Residential
Business 2	R4
Business 2A	Residential
Business 3	R5
Business 4	Residential
Business 5	R6
Business 6	Residential
Business 7	R7
Business 8	Business
Business 9	Business
Business 10	Business
Business 11	Business
Business 12	Business
Business 13	Business
Business 14	Business
Business 15	Business
Business 16	Business
Business 17	Business
Business 18	Business
Business 19	Business
Multi-Use	Multi-Use
Planned Unit Development	MU
Planned Unit Development	PUD
Industrial	Industrial
Transportation	Industrial
Open Space	T
	OS

Residential Districts, as a group, are herein referred to as "R" districts.

Business Districts, as a group, are herein referred to as "B" districts.

### **Section 3.02 - Description of Zoning Districts**

#### **R0 - Large Lot Single-Family District**

ART. 15, ATM 5/91

The Large Lot Single-Family District is composed of all those areas so designated on the official zoning map. It has the lowest residential density of all districts and is generally served by local streets only. Intensive land uses, uses which would detract from the desired residential character, and uses which would otherwise interfere with the intent of this bylaw are discouraged.

#### **R1 - Single-Family District**

ART. 15, ATM 5/91

The Single-Family District is composed of all those areas so designated on the official zoning map. The predominant use is single-family dwellings and public land and buildings. Intensive land uses, uses which would detract from the desired residential character, and uses which would otherwise interfere with the intent of this bylaw are discouraged.

#### **R2 - Two-Family District**

The Two-Family District is composed of all those areas so designated on the official zoning map. The predominant use is a two-family dwelling and the district is generally served by local streets only. This district is generally within walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

#### **R3 - Three-Family District**

The Three-Family District is composed of all those areas so designated on the official zoning map. The predominant use is a three-family dwelling with locations along Massachusetts Avenue and Broadway. It is the intent that no businesses be located in the R3 district. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

#### **R4 - Town House Districts**

The Town House District is composed of all those areas so designated on the official zoning map. It is located along arterials or in the Center area. The predominant uses are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.

#### **R5 - Apartment District - Low Density**

The Low-Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is two- to three-story garden apartments located along or near principal arteries. Small-scale offices would be allowed on principal arteries only. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

#### R6 - Apartment District - Medium Density

ART. 91, ATM 3/79

The Medium Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is apartments up to four stories high with offices permitted at a smaller scale. Locations are principally Massachusetts Avenue and Pleasant Street. Uses which would detract from the desired residential and office character, or otherwise interfere with the intent of this bylaw, are discouraged.

#### R7 - Apartment District - High Density

ART. 93, ATM 3/78

The High Density Apartment District is composed of those areas so designated on the official zoning map. The predominant use is apartments up to 5 stories high, although offices are also permitted at the same scale. Locations are principally within or adjacent to Arlington center. Uses which would detract from the desired character, such as large-scale retail uses, or otherwise interfere with the intent of this bylaw, are discouraged.

#### Bl - Neighborhood Office District

ART. 6, ATM 4/16

The Neighborhood Office District is composed of all those areas so designated on the official zoning map. Predominant uses include one- and two-family residences, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. With most locations on or adjacent to Massachusetts Avenue, the district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher density, more active areas along the Avenue. Uses which would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged. Mixed-use structures without retail space are allowed in this district.

#### B2 - Neighborhood Business District

ART. 6, ATM 4/16 The Neighborhood Business District is composed of all those areas so designated on the official zoning map. Predominant uses include small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic. Locations are almost all along Massachusetts Avenue or Broadway. Uses which would detract from this small-scale business character, or otherwise interfere with the intent of this bylaw are discouraged. Mixed-use structures are allowed in this district.

#### B2A - Major Business District

ART. 4 B2A ATM 4/97, ART. 6, ATM 4/16

The major Business District is composed of all those areas so designated on the official zoning map. Located along Massachusetts Avenue, Mill Street, Summer Street and Broadway, these areas generally contain uses that are retail and service to serve the needs of a large neighborhood area. Customers generally arrive by car so there is ample parking to serve the retailer. Housing is also permitted at a medium density due to the proximity of the zone to residential uses. Mixed-use structures are allowed in this district. Automotive uses; some office uses, wholesale business and storage uses are prohibited.

#### B3 - Village Business District

ART. 6, ATM 4/16

The Village Business District is composed of all those areas so designated on the official zoning map. Predominant uses include retail, service and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the

principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

#### B4 - Vehicular Oriented Business District

ART. 83, ATM 4/80 , ART. 6, ATM 4/16

The Vehicular Oriented Business District is composed of all those areas so designated on the official zoning map. Uses include establishments primarily oriented to automotive traffic which require large amounts of land in proportion to building coverage; or establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. Arlington has an overabundance of automotive and automotive accessory sales and service establishments; thus when one of these businesses closes, the conversion of the property to other retail, service, office or residential use is encouraged, particularly as part of mixed-use development, which is allowed in this district.

#### B5 - Central Business District

ART. 6, ATM 4/88, ART 6, ATM 4/16

The Central Business District is composed of all those areas so designated on the official zoning map in Arlington Center. It includes retail, service, and office uses, and provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. Businesses which consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

#### MU-Multi-Use

ART.2, STM 9/04; ART.2 ,STM 5/05

The Multi-Use District is composed of all those areas so designated on the official zoning map. Districts must contain at least one acre. The district allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review.

#### I - Industrial District

ART. 6, ATM 4/16The Industrial District is composed of all those areas so designated on the official zoning map. These areas in the Mill Brook Valley allow uses requiring the manufacture, assembly, processing or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. Residential uses, retail business uses, or uses which would otherwise interfere with the intent of this bylaw are discouraged. Mixed-use development is allowed in this district, without residential space.

#### T - Transportation District

ART. 5, ATM 4/00

The Transportation District is composed of all those areas designated on the official zoning map. Principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this bylaw are prohibited.

#### PUD - Planned Unit Development District

The Planned Unit Development District is composed of that area so designated on the official zoning map. Large scale, multi-use development is permitted upon approval of a development plan and the assembly of a large amount of land.

#### OS – Open Space District

##### ART. 14, ATM 4/01

The Open Space District is composed of all those areas so designated on the official zoning map. The Open Space District is composed of parcels under the jurisdiction of Park and Recreation Commission, the Conservation Commission, the ARB, the MDC, or the MBTA. Structures where present are clearly accessory to the principle function of the property.

#### **Section 3.03 - Zoning Map**

##### ART. 5, ATM 4/98

The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the Town of Arlington, Massachusetts," dated April, 1998 and on file in the Office of the Town Clerk, which map, including an overlay map entitled "Wetland and Floodplain Overlay," dated April, 1998, with all explanatory matter thereon is declared to be a part of this Bylaw.

#### **Section 3.04 - Changes to Map**

Any change in the location of boundaries of a Zoning District hereafter made through the amendments of this Bylaw shall be indicated by the alteration of such map and the map, thus altered, is declared to be a part of the Bylaw thus amended.

#### **Section 3.05 - Boundaries of Districts**

The location of the boundary lines of districts shown upon the Zoning Map shall be determined as follows:

- a. Where a boundary is indicated as a street, alley, railroad, rapid transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- b. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
- c. Where a dimensioned boundary or the actual property boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
- d. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- e. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a

subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.

- f. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."
- g. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the ZBA.

## ARTICLE 4

### INTERPRETATION AND APPLICATION

#### **Section 4.01 - Interpretation**

ART. 73, ATM 3/85

The provisions of this Bylaw Shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the Town of Arlington, Massachusetts, and except for the Zoning Bylaw of the Town of Arlington, Massachusetts, dated March 1959, and all subsequent amendments thereto, the provisions of this Bylaw are not intended to repeal, amend, abrogate, annul, or in any way impair or interfere with any lawfully adopted bylaw, covenants, regulations, or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, bylaw, other section of the Zoning Bylaw, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

#### **Section 4.02 - Application**

Except as herein provided, the provisions of this Bylaw shall apply to the erection, construction, reconstruction, alteration, or use of buildings, structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming and any existing nonconforming use, structure, or lot shall not become further nonconforming.

#### **Section 4.03 - Existing Buildings and Land**

ART. 3, ATM 4/89

This Bylaw shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this Bylaw, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

#### **Section 4.04 - Multiple Business Uses**

ART. 6, ATM 4/16

Other than Mixed-use, in cases of multiple business uses on a single lot, the regulation for each use shall apply to the portion of the building or land so used.

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## ARTICLE 5

### USE REGULATION

#### **Section 5.01 - Applicability of Use Regulations**

Except as provided in this Bylaw, no building, structure, or land shall be used except for the purposes permitted in the district as described in this article. Any use not listed shall be construed to be prohibited.

#### **Section 5.02 - Permitted Uses**

ART. 10, ATM 4/98; ART. 11, ATM 4/98

In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the word "yes," except that any use listed in the following Table of Use Regulations as a permitted use, the proposed location of which does not abut on a street which is laid out and approved by the Board of Survey as a traveled way, or which has not been built to subgrade, so that such way or street is passable for fire apparatus and other traffic, or which abuts on a street or way in which there is no public sewer or in which there is no water available for connection with the building after completion, may be allowed only by special permit. Those uses that may be permitted by special permit in the district, in accordance with Articles 10 and 11, shall be designated by the letters "SP." Uses designated with a blank shall not be permitted in the district.

ART. 7, ATM 4/05

A lot or structure located in the R6, R7, BI, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.04 "Table of Use Regulation." For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses. In the case of existing commercial uses, the addition or expansion of residential use within the existing building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property.

#### **Section 5.03 - Uses Subject to Other Regulations**

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this Bylaw.

#### **Section 5.04 - Table of Use Regulations**

See table on accompanying pages which is declared to be a part of this Bylaw.

#### **Section 5.05 - Home Occupation**

ART. 12, ATM 4/93; ART 4, ATM 4/02

For the use of a dwelling in any "R" district for a home occupation, the following conditions shall apply:

- a. No nonresident shall be employed therein.
- b. Not more than twenty-five (25) percent of the existing gross floor area of the dwelling unit in the principal building, not to exceed six hundred (600) square feet, is devoted to such use. In connection with such use, there is to be kept no stock in trade, commodities or products which occupy space beyond these limits.
- c. That there shall be no display of goods or wares visible from the street.
- d. All advertising devices visible from off the lot are specifically prohibited.
- e. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall in no way become objectionable or detrimental to any residential use within the structure.
- f. Any such building shall include no feature of design not customary in buildings for residential use.

#### **Section 5.06 - Joint Occupancy of Schools**

ART. 105, ATM 3/83

Portions of Arlington public schools may be occupied by a use(s) unrelated to public educational purposes provided the use(s) is in accordance with guidelines passed by the Arlington School Committee and a special permit granted by the ARB pursuant to Section 11.06, Environmental Design Review.

Note: Yes - permitted as a right      SP - special permit      Blank - not permitted

**SECTION 5.04 - TABLE OF USE REGULATIONS**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01  
ART.2, STM 9/04; ART. 11, ATM 4/09

District

Principal Use	R0	R1	R2	R3	R4	R5	R6	R7		B1	B2	B2A	B3	B4	B5		MU	PUD	I	T	OS		
<b>ART. 16, ATM 4/01</b>																							
Residential <sup>a</sup>																							
ART'S. 81.87	ATM 4/80																						
1.01	Single-family detached <sup>b</sup> dwelling	Yes																					
ART.5, ATM 4/05		SP																					
1.01a	Six or more single-family dwellings on one or more contiguous lots																						
1.02	Two-family dwelling, duplex house	Yes																					
ART.5, ATM 4/05		SP																					
1.02a	Six or more units in two-family or duplex houses on one or more contiguous lots																						
ART 41, STM 3/82; ART.97, ATM 3/87																							
1.03	Three-family dwelling	SP																					
ART.2, STM 9/04																							
1.04	Town House structure	SP																					
ART.2, STM 9/04																							
1.05	Apartment House	SP																					
1.06	Dormitory	SP																					
1.07	Licensed Lodging House	SP																					
1.08	Rehabilitation Residence	SP																					
1.09	Hotel, Motel	SP																					
1.10	Conversion to apartments at a maximum density of 18 dwelling units per acre with no alteration to the exterior of the building	SP	SP																				
ART. 13, ATM 5/91																							
1.11	Conversion of one or two-family dwelling or structure originally designed as a one or two-family dwelling to licensed bed and breakfast	SP																					

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

Principal Use	District																				
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS		
ART. 13, ATM 5/91; ART. 4, STM 5/97; ART. 14, ATM 4/01; ART. 2, STM 9/04; ART. 11, ATM 4/09;																					
ART. 13, ATM 5/91																					
1.12 Conversion of one or two-family dwelling or structure originally designed as one or two-family dwelling to licensed bed and breakfast home	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
ART. 2, STM 12/98; ART.2, STM 9/04	SP																				
1.13 Assisted Living																					
<b>Institutional &amp; Educational</b>																					
ART.2, STM 9/04																					
2.01 Community center, youth club, adult education center, settlement house or other similar facility operated by an educational, religious or non-profit institution	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
ART.2, STM 9/04																					
2.02 Private club or lodge operated not for profit and for members only	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
2.03 Hospital																					
ART. 84, ATM 4/80	SP <sup>c</sup>	SP <sup>c</sup>	SP <sup>c</sup>	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
2.04 Licensed nursing home, rest home, convalescent home																					
ART. 15, ATM 5/91; ART. 5, ATM 4/00	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
2.05 Church, place of worship or other religious purpose																					
2.06 Day nursery, nursery school, kindergarten, day care center, after school programs or other similar uses related to the education, cultural enrichment or care of children	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
ART. 5, ATM 4/00																					
2.07 Educational purpose including religious, sectarian and non-sectarian, denominational, private or public school, not conducted as a private gainful business	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
ART 2, STM 9/04; ART. 11, ATM 4/09;

**District**

Principal Use	R0	R1	R2	R3	R4	R5	R6	R7	|	B1	B2	B3	B4	B5	|	MU	PUD	|	T	OS
<b>ART. 68, ATM3/77</b>																				
2.08 School, college or other institution, such as a trade, driving, music, dancing, martial arts or professional school conducted as a private gainful business																				Yes Yes Yes Yes Yes
ART. 5, ATM 4/88																				
2.09 Town or nonprofit cemetery, mausoleum or crematorium	SP	SP																		SP
2.10 Library, museum or art gallery open to the public or connected with a permitted educational use and not conducted as a private gainful business	SP		SP	SP	SP	SP	SP					SP								
<b>Agricultural</b>																				
3.01 Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden																				Yes Yes Yes Yes Yes
ART. 5, ATM 4/00, ART. 14, ATM 4/01																				
3.02 Farm (except the raising of livestock or poultry) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question																				Yes Yes Yes Yes Yes
<b>Public, Recreational and Entertainment</b>																				
ART. 14, ATM 4/01																				Yes Yes Yes Yes Yes
4.01 Park, playground, or outdoor recreation facility not conducted as a private gainful business	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes						Yes Yes Yes Yes
4.02 Recreation building, not conducted as a private gainful business	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes						Yes Yes Yes Yes
4.03 Fire station	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes						Yes Yes Yes Yes
4.04 Police station	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes						Yes Yes Yes Yes

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

Principal Use	District																		
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS
4.05 Town office building	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4.06 United States Post Office	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.07 Yard, building and structures for general public construction, maintenance, operations and equipment storage such as a highway or water department; including open air storage of motor vehicles or heavy equipment, pipes or poles, sand, gravel or other earth products, or other materials or equipment	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.08 ART.2, STM 9/04 Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private gainful business	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.09 Outdoor amusement park, theater, sports facility, or recreational facility conducted for a profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.10 ART. 86, STM 4/80; ART.2, STM 9/04 Enclosed entertainment and recreation facilities including a bowling alley, health club, skating rink or other recreation activity conducted for a profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.11 ART.2, STM 9/04 Indoor motion picture theater	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.12 ART. 103, STM 3/83;ART. 17, STM 4/97 Enclosed entertainment and recreation facilities not conducted as a private gainful business	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.13 ART. 14, STM 4/01 Adult Uses	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.14 Conservation land	Yes																		

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
 ART. 2, STM 9/04; ART. 11, ATM 4/08;

**District**

Principal Use	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS
<b>Utility, Transportation and Communications</b>																			
5.01 Bus, rapid transit or railroad station															SP	SP	SP	SP	SP
5.02 Motor freight terminal and warehousing															SP				SP
5.03 Telephone exchange, transformer station, substation, gas regulator station or pumping station; water storage, pumping or standpipe; sewage pumping station															SP	SP	SP	SP	SP
5.04 Radio or television studio or receiving facility without wireless transmitting facilities															Yes	Yes	Yes	SP	Yes
ART. 9, STM 5/97	Radio or television studio or receiving facility licensed by the Town and in a structure under the jurisdiction of the Town and without wireless transmitting facilities																		
5.04a															SP				
ART. 14, STM 5/80; ART. 98, ATM 3/87	Automobile parking area or structure owned or operated by the Town or other governmental agency																		
5.05															SP	SP	SP	SP	SP
5.06 Commercial off-street parking area or structure for the parking or storage on a fee basis of automobiles and light commercial vehicles with a rated capacity of 1 ton or less provided no repairs, servicing or sale of gasoline is carried on															SP	SP	SP	SP	SP

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART. 15, ATM 5/91; ART. 4, STM 5/97; ART. 14, ATM 4/01;  
 ART. 2, STM 9/04; ART. 11, ATM 4/09;

Principal Use	District																	
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	T	OS
5.07 Non-residential surface parking lot in a residential district serving a business use in an adjoining B3 or B5 district and entered from said B3 or B5 district provided no business, sales, service, or loading operations are performed, and providing there is compliance with the screening provisions of section 8.12									SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes
5.08 Residential surface parking serving residential uses in another zoning district providing all of the following are present: the lot used for parking abuts the residential property it serves for at least 50 ft; both lots are under common ownership; and there is compliance with the screening provisions of section 8.12									SP	SP	SP	SP	SP	SP	SP	SP	SP	
ART. 14, STM 5/80, ART. 14, ATM 4/01									SP	SP	SP	SP	SP	SP	SP	SP	SP	
5.09 Bikeway																		
ART. 14, STM 5/80; ART. 5, ATM 4/00																		
5.10 The extension of any use into a T District, for uses allowed by right or by special permit in an adjacent zoning district																		
ART. 11, STM 5/97																		
5.11 Wireless Communications Facility																		
5.11a located on a building under the jurisdiction of the Town, provided that no antenna or other part of the facility extends more than 15 feet, or 25% of the height of the building, whichever is less, above the highest point of the building on which it is located									SP	SP	SP	SP	SP	SP	SP	SP	SP	

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

Principal Use	District																			
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS	
ART. 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01; ART. 2, STM 9/04; ART. 11, ATM 4/09																				
5.11b located on a building not under the jurisdiction of the Town, provided that no antenna or other part of the facility extends more than 15 feet, or 25% of the height of the building, whichever is less, above the highest point of the building on which it is located																				
ART. 3, STM 10/97	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
5.11c located on a building not under the jurisdiction of the Town, but protected under the provisions of Chapter 40A Section 3 (religious and educational uses), provided that no antenna or other part of the facility extends above the highest point of the building on which it is located																				
ART. 4, ATM 4/99	SP	SP	SP																	
5.11d located on a pole whose primary purpose is to support electrical light, telephone, or power utility lines, provided that no part of facility shall be located higher than 40 feet above the ground and that the facility shall have a total volume not greater than two cubic feet																				
ART. 9, ATM 4/10	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5.12 Ground-Mounted Solar Photovoltaic Installation	Yes																			

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14; ATM 4/01;  
ART. 2, 9/04; ART. 11, ATM 4/09;

District

Principal Use	R0	R1	R2	R3	R4	R5	R6	R7	|	B1	B2	B2A	B3	B4	B5	|	MU	PUD	|	T	OS
<b>Commercial &amp; Storage</b>																					
<b>Vehicular Oriented Businesses</b>																					
6.01	Sale or rental of automobiles and other motor vehicles, or tires or other motor vehicle accessories, and accessory storage conducted entirely within an enclosed structure provided any accessory repair operations shall be sufficiently sound-insulated to protect the neighborhood from inappropriate noise; any flashing, fumes, gases, smoke and vapor shall be effectively confined to the premises									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
6.02	Outdoor sales and storage of undamaged and operable automobiles									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes
6.03	Automobile repair garage (not including a junk yard or open storage of abandoned automobiles or other vehicles, body work, or automotive painting.)									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
6.04	ART. 41, STM 3/82 Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
6.05	Gasoline filling station for the retail sale of gasoline, oil, and auto accessories and minor automotive repairs and servicing such as lubricating, tune-ups, adjusting, and repairing brakes, tire service, radiator cleaning and flushing, washing and polishing, minor servicing and repair of carburetors, fuel pumps, and wiring, and minor motor adjustments not involving removal of the head or crankcase									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
 ART. 2, STM 9/04; ART. 11, ATM 4/09;

**District**

<b>Principal Use</b>	<b>R0</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>	<b>R5</b>	<b>R6</b>	<b>R7</b>	<b>B1</b>	<b>B2</b>	<b>B2A</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>MU</b>	<b>PUD</b>	<b>I</b>	<b>T</b>	<b>OS</b>	
<b>Personal, Consumer and Business Services</b>																				
6.06	Printing shop engaged in sheet fed job printing (not a printing plant, photographer's studio or other similar use; engaged in roll fed web printing)															Yes	Yes	Yes	Yes	Yes
6.07	ART. 68, ATM 3/77 Bank, credit union, trust company or similar financial institution with more than 2,000 square feet of gross floor area and any of the above of any size drive-up service															SP	SP	SP	SP	SP
6.07a	Less than 2,000 square feet of gross floor area															Yes	Yes	Yes	Yes	Yes
6.08	Personal service establishments, for example, barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry. Hand laundry, dry cleaning and tailoring uses permitted in B districts provided personnel is limited to five persons at any one time															Yes	Yes	Yes	Yes	Yes
6.08a	Hand laundry, dry cleaning and tailoring uses with more than 5 employees on the premises at any one time															SP	Yes	Yes	Yes	Yes
6.09	Consumer service establishments, for example, upholsterer, lawnmower or appliance repairman, or small tool and equipment rental shop, providing personnel is limited to five persons at any one time															SP	Yes	Yes	Yes	Yes
6.09a	With more than 5 employees on premises at any one time															SP	SP	SP	SP	Yes

## SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
ART. 2, STM 9/04; ART. 11, ATM 4/09

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
ART. 2, STM 9/04; ART. 11, ATM 4/08;

District

Principal Use		R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS
<b>Retail</b>																				
6.16	Establishments serving general retail needs including but not limited to general merchandise, department store, furniture, food, household goods and having more than 3,000 square feet of gross floor area									SP										
6.17	Establishments of less than 3,000 square feet of gross floor area primarily serving the local retail business needs of the residents of the vicinity including but not limited to grocer, baker, food store, dry goods, variety, clothing, hardware, paint, household appliances, book, tobacco, flowers, drugs									SP										
6.18	Establishments having more than 1,000 square feet of gross floor area for the manufacture, assembly or packaging of goods, provided that at least 50 percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building									SP										
6.18a	Having less than 1,000 square feet of gross floor area									Yes										
<b>Office Uses</b>																				
6.19	Offices, including but not limited to, professional, business, medical and dental offices with less than 3,000 square feet of gross floor area per building									SP	SP	Yes	Yes	Yes	Yes	SP	Yes	Yes	Yes	

SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
ART. 2, STM 9/04; ART. 11, ATM 4/09

Principal Use	District																			
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS	
ART. 86, ATM 4/80; ART. 4, ATM 4/92 6.20 Offices, including but not limited to, professional, business, medical and dental offices, with 3,000 square feet or more of gross floor area per building									SP	SP					SP	SP	SP	SP	SP	
6.21 Office, display or sales space of a wholesale, jobbing, or distributing establishment provided that no more than 25 percent of floor space is used for assembling, packaging and storing of commodities									SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	
ART. 68, ATM 3/77 6.22 Professional, business, medical and dental offices in an existing building originally designed for single or two-family residential use provided the building retains its characteristic design and fronts on a street with at least a 50-foot right-of-way width									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
ART. 86, ATM 4/80 6.22a Fronts on a right-of-way width of less than 50 feet									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
6.23 Technical Offices including offices with: extensive data processing facilities; laboratories and testing facilities; or offices with minor assembly or fabrication activities provided that the activities occupy no more than 25 percent of the floor area. For uses in this category any noise, gas, odor, bright light, dust, vibration or electro-magnetic radiation shall be confined within a building									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
ART. 2, STM 9/04; ART. 11, ATM 4/09

**District**

Principal Use	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS
<b>Wholesale Business and Storage</b>																			
6.24 Wholesale business and storage in an enclosed structure, such as building trade suppliers, excluding the storage of flammable liquids, gas, or explosives															SP	SP		Yes	
ART. 86, ATM 4/80																		SP	
6.24a Wholesale storage and sale of flammable liquids, and wholesale business with up to 50 percent of business done as retail trade upon the premises															SP	SP			
6.25 Open or enclosed storage of vehicles. Outdoor storage of damaged or inoperative vehicles shall not be allowed															SP	SP			
6.26 Storage of fluid other than water as a principal use															SP	SP			
6.27 Open storage of raw materials, finished goods, or equipment provided the provisions of section 6.16 are complied with. Junk yards are specifically prohibited																			
<b>Light Industry</b>																			
7.01 Laundry or dry cleaning plant															SP	SP		Yes	
7.02 Printing, binding, or engraving plant															SP	SP		Yes	
7.03 Industrial services, for example, machine shop, welding shop, plumbing, electrical or carpentry shop or similar service																		Yes	

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

Principal Use	District										MU	PUD	I	T	OS	
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5		
ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01; ART 2, STM 9/04; ART. 11, ATM 4/09																
7.04 Yards and buildings of general contractor, subcontractor or other building tradesman. Junkyards are specifically prohibited															SP	Yes
7.05 Stone cutting, shaping and finishing in enclosed buildings															SP	Yes
7.06 Autobody or paint shop, provided that all work is carried out inside the building															SP	
7.07 Truck service and repair, exclusive of bodywork and painting															SP	SP
7.08 Establishments devoted to research and development activities															SP	Yes
ART. 107, ATM 3/84																
7.09 Light non-nuisance manufacturing providing that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor is effectively confined in a building or disposed of in a manner so as not to create a nuisance or hazard to safety or health, and further provided that no noise or vibration is perceptible without instruments at a distance greater than 50 feet															SP	
ART. 6, ATM 4/14															SP	SP
7.10 Medical Marijuana Treatment Center, Permitted as such by the Arlington Board of Health																
ART. 6, ATM 4/16																
7.11 Artisanal Fabrication															SP	SP
7.12 Artistic/Creative Production															SP	SP
7.13 Mixed Use															SP	SP
<b>Accessory Use</b>																
ART. 6, ATM 5/91																
8.01 Renting of not more than three rooms to not more than three persons within a dwelling unit															Yes	Yes
ART. 5, ATM 4/00																
8.02 Dormitory of a permitted nonprofit educational or religious institution															SP	SP

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
ART. 2, STM 9/04; ART. 11, ATM 4/09;

Principal Use	District																			
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS	
ART. 5, ATM 4/00																				
8.03 Accessory private garage for noncommercial motor vehicles subject to provisions of Article 6	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
8.04 Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, provided it is not in the front yard	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
ART. 5, ATM 4/00																				
8.05 Accessory structure, such as a private garage, playhouse, greenhouse, tool shed, private swimming pool, carport, or similar accessory structures not used as part of business, subject to provisions of Article 6	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
ART. 14, ATM 4/01																				
8.05a Accessory structure such as a sign kiosk, open shelter, convenience facility or similar accessory structure, not used as part of for profit business, subject to provisions of Article 6	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
ART. 12, ATM 4/93; ART. 5, ATM 4/00																				
8.06 Home occupation for gain, or home-office. Activities must comply with Section 5.05	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
8.06a If customers or pupils come to the house for business or instruction	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
8.07 Office within his place of residence of a physician (M.D.), with up to (1) nonresident employee, or clergyman	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	

SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)

Principal Use	District																				
	R0	R1	R2	R3	R4	R5	R6	R7	|	B1	B2	B3	B4	B5	|	MU	PUD	|	T	OS	
ART. 99, ATM 3/85; ART.2, STM 9/04																					
8.08 Private day nursery, nursery school, kindergarten, day care center, organized afterschool program, or similar use providing day care for no more than six children at one time	SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	SP	Yes					
ART.2, STM 9/04																					
8.09 Accessory retail, office, or consumer service use in an apartment dwelling over 20,000 square feet in gross floor area, provided; all activities are located on the first floor or basement floor levels such uses shall not aggregate more than 2,000 square feet; all materials, goods, and activities in connection with said uses shall be confined completely within the building	SP	SP	Yes	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	SP	Yes					
8.10 Newsstand, barber shop, dining room or cafeteria, and similar accessory services primarily for occupants or users thereof within a hotel, office or industrial uses provided such use is conducted within and entered only from within the principal building	SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	SP	Yes					
ART. 14, ATM 4/93																					
8.11 Accessory off-street parking and loading spaces conforming to the provisions of Article 8	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
8.12 The storage or keeping of not more than one commercial vehicle:																					
ART.2, STM 9/04																					
8.12a. In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
8.12b. Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling	SP	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP

SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)

ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01;  
 ART. 2, STM 9/04; ART. 11, ATM 4/09;

District

Principal Use	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS
ART. 5, ATM 4/07																			
8.12c. Parking of not more than 4 commercially-owned shared vehicles									SP	SP	Yes	Yes			SP	Yes	Yes	Yes	Yes
ART. 5, ATM 4/0																			
8.12d. Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town									SP	SP	SP	SP	Yes	Yes	SP	Yes	Yes	Yes	Yes
8.13 Accessory outside storage clearly necessary to operation and conduct of a use permitted by right or by special permit in a B district subject to the screening provisions of Section 6.16. In no case shall the outside storage area exceed 25 percent of the lot coverage of the principal building									SP	SP	SP	SP	Yes	Yes	SP	Yes	Yes	Yes	Yes
8.14 Outdoor storage of not more than 3 vehicles damaged or inoperative as a result of a collision									SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
ART. 14, ATM 4/01																			
8.15 Temporary food or beverage concession for profit at an event									Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
ART. 14, ATM 4/01; ART.2, STM.9/04																			
8.16 Fund raising event conducted by an Arlington nonprofit organization provided authority is granted by the appropriate Town agency. In no event shall automated amusements be permitted									Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
ART. 5, ATM 4/00; ART. 14, ATM 4/01																			
8.17 Other accessory use customarily incidental to a permitted principal use, and not normally conducted as an independent principal use or as an accessory to some other use, provided that any use accessory to a use permitted only under a special permit shall be established only if and as provided in such permit									Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP
	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

**SECTION 5.04 - TABLE OF USE REGULATIONS (Continued)**

Principal Use	District																			
	R0	R1	R2	R3	R4	R5	R6	R7	B1	B2	B2A	B3	B4	B5	MU	PUD	I	T	OS	
8.18 Activities, accessory to a principal use permitted as a right, that are necessary in connection with scientific research or scientific development or related production																				
ART. 68, ATM 3/77; ART. 7, ATM 4/09																				
8.19 Up to three dwelling units in a building containing a business or service use in accordance with the residential standards for that district																				
ART. 68, ATM 3/77; ART. 5, ATM 4/00																				
8.20 Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as on accessory use to other than a single-family detached, two- or three-family dwelling, or duplex use																				
ART. 17, STM 5/80																				
8.21 Cable television studio and/or head end site including antenna and satellite reception facility																				
ART. 5, ATM 4/02																				
8.22 Catering Service																				
ART. 11, ATM 4/09																				
8.23 Keeping of no more than six hen chickens (but no roosters) permitted by the Arlington Board of Health for egg-laying, pet, or other non-commercial purposes in an enclosure in the rear yard of a property at least six feet from all property lines and at least 25 feet from residences on adjacent lots																				
ART. 17, ATM 5/11																				
8.24 Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, approved pursuant to a special application under Section 11.06																				
Yes - permitted as a right,																				
SP - special permit,																				
Blank - not permitted																				

ART. 16, ATM 4/01; ART. 5, ATM 4/05

<sup>a</sup> Projects with six or more residential units (defined as uses 1.01a, 1.02a, 1.03, 1.04, 1.05, 1.07, 1.10, and 1.13) are subject of the Affordable Housing requirements in Section 11.08.

ART. 87, ATM 4/80

<sup>b</sup> One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing in August 1975, on these streets are permitted as a right.

ART. 84, ATM 4/80; ART. 6, ATM 4/92

<sup>c</sup> In the R0, R1 and R2 districts no new facilities under use 2.04 shall be constructed except at sites whereon these facilities existed as of August, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under Sections 10.11 and 11.0 ART. 6, ATM 4/16

<sup>d</sup> Mixed-use in Industrial Zones shall not include residential uses.

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## ARTICLE 6

### DIMENSIONAL AND DENSITY REGULATIONS

#### Section 6.00- Table of Dimensional and Density Regulations

ART. 7, ATM 4/88

The regulations for each district pertaining to minimum lot size, minimum frontage, maximum floor area ratio, maximum lot coverage, minimum lot area per dwelling unit, minimum front yard depth, minimum side yard depth, minimum rear yard depth, minimum lot width, maximum height, minimum landscaped open space, and minimum usable open space shall be as specified in this section, "Table of Dimensional and Density Regulations," and subject to the further provisions of Article 6.

#### GENERAL REGULATIONS

##### Section 6.01 - Reduction of Lot Areas and Separation of Lots

- a. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this bylaw, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this bylaw if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- b. Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this bylaw.

##### Section 6.02 - Setback from Open Stream

ART. 19, STM 5/80; ART. 104, ATM 3/83

A building or structure, except for a retaining wall, wharf, fence, or bridge, shall be set back fifteen (15) feet from the embankment of any open stream; however, for construction in accordance with Special Permits issued under Section 11.04 (Flood Plain District) and/or Section 11.05 (Inland Wetland District), the setback may be less than fifteen (15) feet. Before voting to grant said Special Permit the permit granting authority shall first consult with the Conservation Commission.

##### Section 6.03 - Spacing of a Residential Building on the same Lot with Another Principal Building

ART. 12, ATM 5/91

- a. Where two or more main buildings to be used as dwellings are proposed to be built upon property in one ownership or where one or more such buildings are proposed upon property where there are one or more existing residential buildings, required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. The ZBA, or in cases subject to Section 11.06, the ARB, however, may by special permit, modify the yard dimensions between such buildings designed and intended to remain under the same ownership and management where it is demonstrated that there will result light, air, sunlight, and amenity of a standard no lower than would result from such requirements.
- b. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a building with commercial uses on the ground floor and residential uses above), each such building shall be independently provided with all required front,

side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.

- c. When a permitted main building to be used as a dwelling is to be located on the same lot with and beside a permitted nonresidential building, required front, side and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application.

#### **Section 6.04 - Spacing of Nonresidential Buildings on the Same Lot**

Where two or more main buildings for other than residential uses are proposed to be built upon property in one ownership, front, side, and rear yards are required only at lot lines abutting other property.

#### **Section 6.05 - Exceptions to Dimensional Requirements for Uses 2.05 and 2.07**

- a. The floor area ratio requirements as applied to Uses 2.05 and 2.07 listed in Section 5.04 shall be less restrictive than as specified in Section 6.00 in the following respects:
  1. Where several lots in the same ownership and also in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all such lots may be aggregated in calculating floor area ratio.
  2. The floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50 percent.

ART. 12, ATM 5/91

- b. Under a special permit, the ZBA, or in cases subject to Section 11.06, the ARB may permit further modifications in the dimensional requirements specified in Article 6 as applied to Uses 2.05 and 2.07 to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

**SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS**

District	Use	ART. 8, STM 3/85; ART. 11, ATM 4/98	Intensity of Development		Minimum Lot		Minimum Yard, Ft. <sup>P</sup>		Height Maximum		Open Space Minimum		
			Lot Requirements, Minimum Sq. Ft.	Frontage, Sq. Ft.	Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Area per Dwelling Unit, Sq. Ft.	Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>6</sup>	Percent of Gross Floor Area
ART. 15, ATM 5/91													
R0	Single-family detached dwelling	9,000 <sup>9</sup>	75 <sup>9</sup>	NA	35%	NA	25	10 <sup>A</sup>	20 <sup>B</sup>	2-1/2	35	10% <sup>A</sup>	30% <sup>A</sup>
	Any other permitted principal structure	9,000	75	0.35	NA	NA	25	10 <sup>A</sup>	20 <sup>B</sup>	2-1/2	35	10% <sup>A</sup>	-
R1	Single-family detached dwelling	6,000 <sup>A</sup>	60 <sup>A</sup>	NA	35%	NA	25	10 <sup>A</sup>	20 <sup>B</sup>	2-1/2	35	10% <sup>A</sup>	30% <sup>A</sup>
	Any other permitted principal structure	6,000	60	0.35	NA	NA	25	10	20	2-1/2	35	30%	-
R2	Single-family detached dwelling, two-family dwelling or duplex house	6,000 <sup>A</sup>	60 <sup>A</sup>	NA	35%	NA	20	10 <sup>A</sup>	20 <sup>B</sup>	2-1/2	35	10% <sup>A</sup>	30% <sup>A</sup>
	Any other permitted principal structure	6,000	60	0.35	NA	NA	20	10	20	2-1/2	35	30%	-
R3	Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling	5,000	45	0.75	NA	NA	10	c	20	3	35	10%	30%
	Town House Structure	-	45	0.75	NA	2,500	10 <sup>D</sup>	10 <sup>D</sup>	3	35	10%	30%	
	Any other permitted principal structure	5,000	45	0.75	NA	NA	10	c	20	3	35	10%	-
R4	Single-family detached dwelling, two-family dwelling, duplex house	6,000	60	NA	35%	NA	25	10	20	2-1/2	35	10%	30%

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Size, Sq. Ft.	Frontage, Ft.	Lot Requirements, Minimum <sup>M</sup>	Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Intensity of Development			Height Maximum	Open Space Minimum Floor Area						
							Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>								
<b>R4 (cont.)</b>																	
	Three-family dwelling	7,500	70	NA	35%	NA	25	10	20	3	35						
	Town House Structure	30,000	100	0.70	NA	2,500	25 <sup>D</sup>	15 <sup>D</sup>	25 <sup>D</sup>	3	35						
	Conversion to apartments	12,500	80	NA	35%	2,500	25	10	20	3	40						
	Conversions to dormitory, Nursing Home, Lodging House	20,000	100	0.70	NA	NA	25	25	25	3	35						
	Any other permitted principal structure	6,000	60	0.35	NA	NA	25	15	20	2-1/2	35						
<b>R5</b>	Single-family detached dwelling, two-family dwelling, duplex house, three- family dwelling			6,000	60	0.80	NA	NA	20	10	3						
	Town House Structure, apart- ment house									1,450	15 <sup>D</sup> 10+(L/10) <sup>D</sup>						
	Any other permitted principal structure									25 <sup>D</sup>	3						
ART. 13, ATM 4/93																	
	Single or two-family dwelling, duplex house, three-family dwelling	5,000	45	0.80	NA	NA	10	c	20	3	35						
										10%	30%						

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

		Intensity of Development								Open Space Minimum			
Dis- trict	Use	Lot Requirements, Minimum <sup>M</sup> Size, Sq. Ft.		Fl. Area Ratio Maximum		Lot Coverage Maximum Percent		Minimum Yard. Ft. <sup>P</sup>		Height Maximum		Percent of Gross Floor Area	
		Frontage, Ft.	Sq. Ft.	Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable			
ART. 8, STM 3/85; ART. 11, ATM 4/98 R6 (cont.)	Town House Structure, apartment house, or office structure on a lot greater than 20,000 sq. ft. in area	20,000	100	1.20 <sup>F</sup>	NA	NA	700	$15+(H/10)^P(H+L)/6^P$ <sup>4</sup>	3	40	35	10%	25%
Any other permitted principal structure	6,000	60	0.80	NA	NA	NA	20	10	20	3	35	10%	-
ART. 93, ATM 3/78; ART. 92, ATM 3/79 R7 Any permitted principal structure	20,000	100	1.50 <sup>F</sup>	NA	NA	550	$15+(H/10)(H+L)/6$ <sup>4</sup> at least 20 ft.	5	40	60	10%	15%	
ART. 6, ATM 5/04 B1 Single-family detached dwelling, two-family dwelling, duplex <sup>OR</sup> house, three-family dwelling <sup>OR</sup>	6,000	60	0.75	NA	NA	2,500	20	10	20	2-1/2	35	10%	30%
ART. 6, ATM 4/16 Mixed Use	-	50	0.75	NA	NA	2,500	20	10	20	3	35	10%	-
Any other permitted uses	5,000	50	0.75	NA	NA	2,500	20	10	20	3	35	20%	H
ART. 6, ATM 5/04 B2 Single-family detached dwelling, two-family dwelling, duplex <sup>OR</sup> house, three-family dwelling <sup>OR</sup>	6,000	60	0.75	NA	NA	2,500	20	10	20	2-1/2	35	10%	30%
ART. 81, ATM 4/80 Building with a princi- pal use of a town house structure, or apt. house	5,000	50	1.00	NA	NA	1,450	20	10	20	3	35	10%	20%

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Lot Requirements, Minimum <sup>w</sup> Size, Sq. Ft.	Fl. Area Ratio Maximum	Intensity of Development		Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>	Height Maximum	Open Space Minimum Percent of Gross Floor Area		
				Frontage, Ft.	Coverage Maximum Percent				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>
<b>B2 (cont.)</b>											
ART. 6, ATM 4/16 Mixed Use	-	50	1.50	NA	1,450	-	-	10+(L/10) 4 <sup>T</sup>	50	10%	H
	>20,000	50	1.00	NA	1,450	0	0	10+(L/10) 4 <sup>T</sup>	3	40	H
Any other permitted use	-	50	1.00	NA	1,450	0	0	10+(L/10) 3	3	40	H
<b>ART. 6, ATM 5/04</b>											
B2A Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%
ART. 4, ATM 4/97 Apartment house fronting on a street with a right-of- way width of 50 feet or less	20,000	100	0.80	NA	1,450	15	10+(L/10) 30	3	35	10%	25%
Apartment house fronting on a street wider than 50 feet	20,000	100	1.20 <sup>F</sup>	NA	700	15+(H/10)(H+L)/6 at least 30 ft.	4	40	10%	20%	
<b>ART. 6, ATM 4/16.</b>											
Mixed Use	-	50	1.50	NA	700	0	0	10+(L/10) 5 <sup>T</sup>	60		
	>20,000	50	1.00	NA	700	0	0	10+(L/10) 4 <sup>T</sup>	50	10%	H
Any other permitted use	-	50	1.00	NA	NA	-	-	10+(L/10) 3	3	40	H

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Frontage, Ft.	Area Ratio Maximum	Intensity of Development	Minimum			Maximum			Open Space Minimum Percent of Gross Floor Area			
					Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>	Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
ART. 8, STM 3/85; ART. 11, ATM 4/98														
Lot Requirements, Minimum <sub>M</sub>	Fl. Area Ratio Maximum	Frontage, Ft.												
Dis- trict	Use	Size, Sq. Ft.	Frontage, Ft.											
ART. 6, ATM 5/04														
B3 Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA			2,500	20	10	20	2-1/2	35	10%	30%
ART. 81, ATM 4/80														
Building with a princi- pal use of a town house structure or apartment house	20,000	100	1.40	NA			600	15+(H/10)(H+L) <sub>J</sub> 6(H+L) <sub>J</sub> /6	5	60	10%	20%		
ART. 6, ATM 4/16														
Mixed Use	-	50	1.50	NA			600	0	0	(H+L) <sub>J</sub> 6	5 <sup>T</sup>	60		
	>20,000	50	1.40	NA			600	0	0	(H+L) <sub>J</sub> 6	4 <sup>T</sup>	50		
											5	60	10%	H
											3	40		
Any other permitted use	-	50	1.00	NA			600	-	-	(H+L) <sub>J</sub> 6	5	60	20%	-
		20,000	100	1.40	NA		600	-	-	(H+L) <sub>J</sub> 6	3	40		
ART. 6, ATM 5/04														
B4 Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>QR</sup>	6,000	60	0.75	NA			2,500	20	10	20	2-1/2	35	10%	30%
ART. 92, ATM 3/79														
Apartment house fronting on street with a right-of- way width of 50 ft. or less	20,000	100	0.80	NA			1,450	15	10+(L/10)30	3	35	10%	25%	
Apartment house fronting on street wider than 50 ft.	>20,000	100	1.20 <sup>F</sup>	NA			700	15+(H/10)(H+L) <sub>J</sub> 6	4	40	10%	20%		
											25			

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

Dis- trict	Use	Intensity of Development				Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>F</sup>	Stories	Feet <sup>G</sup>	Landscape <sup>H</sup>	Usable	Open Space Minimum Percent of Gross Floor Area
		Lot Requirements, Size, Sq. Ft.	Fl. Area Ratio Maximum	Coverage Maximum Percent	Lot Area per Dwelling Unit, Sq. Ft.								
B4 (cont.)	ART. 6, ATM 4/16 Mixed Use	-	50	1.50	NA	700	0	0	10+(L/10)	5 <sup>T</sup>	60		
		>20,000	50	1.00	NA	700	0	0	10+(L/10)	4 <sup>T</sup>	50		
Any other permitted Use		-	50	1.00	NA	NA	-	-	10+(L/10)	3	35	10%	H
ART. 6, ATM 5/04 B5 Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling <sup>OR</sup>		6,000	60	0.75	NA	2,500	20	10	20	2-1/2	35	10%	30%
ART. 92, ATM 3/79; ART. 81, ATM 4/80; ART. 16, STM 3/87 Building with a principal use of a town house struc- ture or apartment house		20,000	100	1.50	NA	550	15+(H/10)(H+L)/6(H+L)/6	NA	75 <sup>N</sup>	40	10%	15%	
ART. 6, ATM 4/16 Mixed Use		-	50	1.80	NA	700	0	0	10+(L/10)	5 <sup>T</sup>	60		
		>20,000	50	1.40	NA	700	0	0	10+(L/10)	5 <sup>T</sup>	50		
ART. 5, STM 3/81 Any other permitted use		-	50	1.40 <sup>I</sup>	NA	600	-	-	(H+L)/6	5	60	10%	
ART. 16, STM 3/87		>40,000	100	1.50 <sup>I</sup>	NA	550	-	-	(H+L)/6	NA	40		(20% for resi- dential use)

SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)

District	Use	Intensity of Development				Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>	Height Maximum	Open Space Minimum Percent of Gross Floor Area		
		Fl. Area Ratio Maximum	Coverage Maximum Percent	Frontage Ft.	Side <sup>E</sup>				Landscaped	Usable	
B5 (cont.)											
ART. 16, STM 3/87		>80,000	150	1.80 <sup>I</sup>	NA	550	-	(H+L)/6	NA	75 <sup>N</sup>	10%
											40 <sup>H</sup>
ART.2, STM 9/04 MU All permitted Uses		40,000	-	1.00	40%	NA	(H+L)/6 not less than 30 ft.	(H+L)/6 not less than 30 ft.	NA	70 <sup>N</sup>	50%
											15%
ART. 13, ATM 4/01 I All permitted uses		-	-	1.50	NA	NA	10	10 <sup>J</sup>	10 <sup>J</sup>	4	52
ART. 6, ATM 4/16 Mixed Use		-	-	1.50	NA	NA	10 <sup>J</sup>	10 <sup>J</sup>	4 <sup>J</sup>	52	-
											-
ART. 5, ATM 4/00: T Uses 4.01, 5.01, 5.05, 5.09, 8.17		6,000	60	0.35	NA	NA	25	10	20	2-1/2	35
											30%
ART. 92, ATM 3/79; ART. 43, STM 3/82 PUD All permitted uses		200,000 <sup>K</sup>	-	0.80	NA	NA	(See Section 6.28)	NA <sup>L</sup>	NA <sup>L</sup>	85	(See Sect. 6.30)
ART. 6, ATM 4/16 Mixed Use		200,000 <sup>K</sup>	-	0.80	NA	NA	(See Section 6.28)	NA <sup>L</sup>	NA <sup>L</sup>	85	-
											40
ART. 14, ATM 4/01 OS All permitted uses		-	-	-	-	-	-	-	-	-	-

Additional regulations are contained in the text of Article 6.

A See Section 6.06 for exceptions.

ART. 15, ATM 5/91  
B In R0, R1 and R2 districts, the rear yard need not be more than 20 percent of the full lot depth.

C One side yard must not be less than 10 feet, and the total of both side yards must not be less than 16 feet.

D A town house structure shall not exceed 150 feet or 6 town houses in length for a single story structure nor 120 feet for that part of the structure more than one story in height. See also Section 6.25 for end yards for town house structures and Section 6.21 for minimum court dimensions.

ART. 22, ATM 4/97

E L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 6.26 for buildings of uneven alignment or height. H is height of that part of the building for which the setback or yard is to be calculated.

F See the bonus provisions of Section 6.12.

G When two numbers are listed, see Section 6.13 for applicable height regulation.

Footnotes to Table of Dimensional and Density Regulations, cont

H Open space requirements for residential uses (computed from their floor area only) shall be 10 percent landscaped and 20 percent usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

I May increase with bonus provisions of Section 6.12; however, in no event shall the residential uses exceed a floor area ratio of 1.50.

J Not required where abutting railroad track or railroad right-of-way if railroad is to be utilized for loading or unloading.

K Lots in separate ownership of less than 200,000 square feet in area shall be developed according to the dimensional, density, and use regulations of the B3 district.

ART. 92, ATM 3/79

L Residential uses shall be no more than 5 floors of such building.

ART. 8, STM 3/85

M For each structure consisting of a single family dwelling, two family dwelling, duplex family house, or three family dwelling, each such structure shall meet both the minimum lot requirements and frontage requirements imposed hereby.

ART. 16, STM 3/87

N The maximum heights in feet of any building or buildings may be modified by Special Permit of the Arlington Redevelopment Board in any case under the provisions of Article 11.06 of this bylaw provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than twelve feet.

ART. 15, ATM 5/91

O Any lots shown on the zoning map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which were duly recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

ART. 11, ATM 4/98

P See Section 5.02.

ART. 6, ATM 5/04

Q In cases subject to Section 11.06 Environmental Design Review, the Redevelopment Board in evaluating the proposal may by Special Permit adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

ART. 6, ATM 5/04

R These dimensional requirements shall not apply to any special permit issued before the first advertisement of this bylaw change in February, 2004.

ART. 2, STM 9/04

S Where a lot has slope in excess of 5%, and the development is subject to Environmental Design Review, the height of a building shall be measured from the ground immediately adjacent to a portion of the building with the same height throughout its length. The ARB may adjust the height provided there is a positive finding by the ARB that the building meets the standard of Section 11.06, f, 2., except that in no case may the height exceed the height limitation in the district by more than 20 feet.

ART. 6, ATM 4/16

T Upper Story Building Step Backs are required for structural floors over three stories, as required in Section 6.28

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## **Section 6.06 - Exceptions to Minimum Lot Size, Frontage, Open Space, and Side Yard Requirements in R0, R1 and R2 Districts**

ART. 15, ATM 5/91; ART. 15, ATM 5/91; ART. 74, ATM 3/85, ART. 9, ATM 4/11

- a. The minimum lot size, frontage, open space and side yard requirements set forth in the Table of Dimensional and Density Regulations for residential uses in the R0, R1 and R2 Zoning districts may not apply to lots which prior to the passage of the zoning bylaw on May 15, 1924, were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. Such lots which did not contain a principal building or for which a building permit was not issued prior to the first advertisement of this section in August, 1975, may be built upon with a single or two-family residential use as permitted in such zoning district provided (i) the lot contains not less than 5,000 square feet of area and 50 feet of frontage, (ii) was not held in common ownership with any adjoining land, (iii) conformed to then existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and (iv) the open space requirements and the requirements of Section 9.03, are satisfied.

ART. 87, ATM 4/80

- b. The minimum lot size, frontage, and side yard requirements set forth in Section 6.00 for residential uses in the R2 district may not apply to certain lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street and Fremont Street which were shown on separate subdivision plans duly recorded with the Registry of Deeds prior to August, 1975. Such lots containing a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August, 1975, shall be considered building lots.

## **Section 6.07 - Buildings in Floodplains**

Dimensional and density regulations shall apply to buildings located in floodplains. Additional regulations are contained in Section 11.04.

## **Section 6.08 - Large Additions in Residential Districts**

ART. 99, ATM 3/87; ART. 3, ATM 4/89; ART. 4, ATM 4/89; ART. 15, ATM 5/91; ART. 23, ATM 4/97

No alteration or addition permitted as a right or by special permit in an R0, R1 or R2 District which increases the size of a building by 750 square feet or more of the gross floor area; or by 50% or more of the original building's gross floor area shall be allowed unless such addition is constructed entirely within the existing foundation, or there is a finding by the Special Permit Granting Authority, acting pursuant to Section 10.11, that the alteration or addition is in harmony with other structures and uses in the vicinity. In making its determination, the Special Permit Granting Authority shall assess, among other relevant facts, the dimensions and setbacks of the proposed alteration or addition in relation to abutting structures and uses and determine its conformity to the purposes set forth in Article 1, Section 1.03, of the Zoning Bylaw. Requests for building permits for additions or alterations which when combined with an alteration or addition constructed within the previous two years would require a special permit finding shall be deemed to require such a finding.

## **LOT SIZE, FRONTAGE, AND LOT AREA PER DWELLING UNIT REGULATIONS**

### **Section 6.09 - Lot Area Per Dwelling Unit**

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density districts used for buildings in higher density districts (such as for parking under Uses 5.07 and 5.08) shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

### **Section 6.10 - Sale or Lease of Lots in a Planned Unit Development**

Upon completion of an environmental design review, as required in Section 11.06, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PUD district.

## **FLOOR AREA RATIO REGULATIONS**

### **Section 6.11 - Land Area Included in Calculation of Floor Area Ratio**

Land area to be included in the calculation of the maximum floor area shall include all contiguous lots under one ownership and in zoning districts with the same or greater maximum floor area ratio as specified in Section 6.00. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

### **Section 6.12 - Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)**

ART. 75, ATM 3/85

- a. The ZBA or the ARB may grant by special permit subject to the standards of Section 10.11 and/or Section 11.06, as appropriate a maximum gross floor area higher than is permitted in Section 6.00, subject to the procedures, limitations, and conditions specified in this section, for a lot (or part of a lot) which meets the following basic requirements:
  1. The lot (or part of a lot) is located in a district with a floor area ratio of 1.2 or greater.
  2. The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of Section 6.12 are satisfied.
  3. Nonresidential properties listed as Contributing Structures in National Register Historic Districts shall be allowed an increase in Floor Area Ratio up to a maximum of 2.6 by Special Permit heard by the ZBA or ARB as appropriate.

b. To aid the ZBA in making the findings required in Section 10.11 and the ARB in preparing the advisory report provided for in Section 11.06, the applicant shall submit the materials required by Section 11.06 in addition to the usual drawings at the time of application.

ART. 75, ATM 3/85; ART. 4, ATM 4/97

c. The additional gross floor area granted in accordance with this Section 6.12 shall not exceed the following percentages of the gross floor area permitted in Section 6.00 except for buildings in a. 3 above.

	<u>R7, B5</u> <u>Districts</u>	<u>R6, B2A, B4</u> <u>Districts</u>
1. Maximum allowable	33%	25%
2. Each condition		
- Large lot	25%	20%
- Low or moderate income	25%	20%
- Extra open space on lot	15%	10%
- Public access	15%	10%
- Preservation of Landmarks	15%	10%
- Large dwelling units	10%	5%

ART. 12, ATM 5/91

d. The ZBA, or in cases subject to Section 11.06, the ARB may grant additional gross floor area where any of the following conditions pertain, subject to the limitations in paragraph c. and in accordance with the development plans and policies of the Town of Arlington. The additional gross floor area shall be calculated separately for each condition based upon the gross floor area permitted in Section 6.00.

1. For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio specified in Section 6.00 at the rate of one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.
2. Where dwelling units are subject to control of age of occupants or maximum rents in order to comply with the conditions of Federal or state legislation or regulations thereunder relating to subsidy for low or moderate income housing, such gross floor area attributable to such controlled dwelling units may be allowed in excess of the gross floor area as calculated by the ordinary application of the requirements of Section 6.00.
3. Where landscaped open space or usable open space is provided in excess of the minimum specified in Section 6.00, additional gross floor area may be allowed at the rate of two (2) square feet of gross floor area for each one (1) square foot of either kind of open space in excess of the minimum requirements; said minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.
4. For a dwelling with an average gross floor area per dwelling unit in excess of 1,100 square feet, such excess gross floor area may be allowed in excess of the gross floor area as calculated by the ordinary application of the requirements of Section 6.00. Any gross floor area to be used for offices, for any other nonresidential principal use, or for Use 8.09 shall not be included in calculating the average gross floor area per dwelling unit.

5. When usable land is deeded or easement granted for public access and use, additional gross floor area may be allowed at the ratio of ten (10) square feet of gross floor area to one (1) square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.
6. When architecturally or historically significant buildings, as documented by the Arlington Historical Commission, are preserved, additional gross floor area may be allowed at the ratio of eight (8) square feet of gross floor area to each square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

## HEIGHT REGULATIONS

### **\*Section 6.13 - Reduced Height Limits in Height Buffer Areas**

ART. 15, ATM 5/91; ART. 14, ATM 4/01; ART. 9, ATM 4/08

When two different maximum height limits are specified for the same zoning district in Section 6.00, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2 or OS district would not be adversely affected due to existing use or topographic condition. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

- a. Two hundred (200) feet if the direction of land in the R0, R1, R2 or OS district is northerly, between northwest and northeast.
- b. One hundred and fifty (150) feet if such direction is easterly, between northeast and southeast, or westerly between northwest and southwest.
- c. One hundred (100) feet if such direction is southerly, between southeast and southwest.

### **Section 6.14 - Exceptions to Maximum Height Regulations**

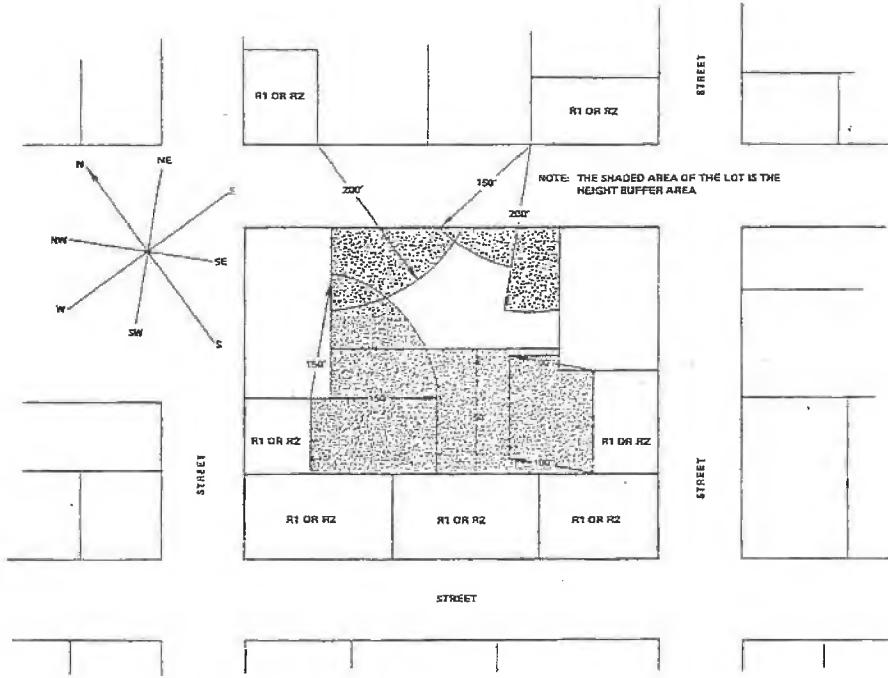
ART. 17, STM 5/80; ART. 5, ATM 4/99

The height limitations as set forth in Section 6.00 shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes, and if such structures occupy not more than twenty (20) percent of the ground floor of the building. Height limitations of Sections 6.00 and 6.15 shall not apply to a Cable Television head end receiving antenna. Such an antenna may be up to twenty-five (25) feet higher than the uppermost point on an existing structure within one hundred and fifty (150) feet; otherwise the height limit shall be established in accordance with a special permit.

### **Section 6.15 - Height of Accessory Building and Other Structures in Residential (R) Districts**

Accessory buildings or structures used for accessory purposes in all residential (R) districts shall not exceed a height of twenty (20) feet.

Section 5.13 - Height Buffer Area



"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning Bylaw."

**YARD**

## YARD AND SETBACK REGULATIONS

### Section 6.16 - Screening and Space Buffers - Industrial and Business Districts and Parking Lots

ART. 4, ATM 4/97; ART.15, ATM 5/91; ART. 4, ATM 4/97

- a. Screening and space buffers shall be required in any industrial (I) or business (B) district which abuts certain buildable residential lots. The minimum width of this strip shall be as follows:

<u>Industrial or Business Districts</u>	<u>- Abutting -</u>	<u>Residential Districts</u>	<u>Minimum Width</u>
I, B5		R0 thru R5	25 ft
B3, B2a, B4		R0 thru R5	15 ft
I		R6 and R7	10 ft
B1, B2		R0 thru R5	10 ft

ART. 70, ATM 3/77; ART. 82, ATM 4/80, ART. 10, ATM 4/10

The strip shall contain a screen of plantings of vertical habit not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than twenty (20) feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round. At least fifty (50) percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five (5) to six (6) feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 8.12 nor the minimum yard requirements of Section 6.00. No screen shall be closer than ten (10) feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

- b. For any area used for the parking of more than five vehicles, screening provisions of Section 8.12 shall apply.

### Section 6.17 - Corner Lots and Through Lots

- a. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
- b. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

### Section 6.18 - Setback of Accessory Buildings and Other Structures

ART. 15, ATM.5/91

In "R" districts, a detached accessory building or structure shall conform to the provisions set forth in the following schedule:

District	Distance from lot line, ft*	
	Front	Side and rear
R0	25	6
R1	25	6
R2	20	6
R3	10	6
R4	25	6
R5	20	6
R6	20	10
R7	20	10

\*Private detached garages need not conform to side yard and/or rear yard setbacks, but shall be governed by the following table. No garage shall be constructed in the front yard.

Construction type <sup>1</sup>	Setback required from	
	Side lot line	Rear lot line
Garage located entirely within rear yard	Garage located within side yard	
Type 1 and Type 2 with a Type 3B roof	0 ft	10 ft
Type 3	6 ft	10 ft
		6 ft

ART. 44, STM 3/82; ART. 9, ATM 4/93; ART.2, STM 9/04

An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building. In "R" districts, an accessory building, such as a doghouse, or toolshed, shall be exempt from the preceding dimensional regulations if said building dimensions result in a floor area not more than eighty (80) square feet and a building height of not more than seven (7) feet. Accessory buildings in the "B", "MU" and "I" districts shall be located on the lot so as not to violate the minimum yard, height, and open space requirements set forth in the Table of Dimensional and Density Regulations. An accessory private swimming pool shall be completely enclosed by a fence

the top of which shall be at least (5) feet in height above the pool, having a self-closing gate with a latch. Above-ground pools less than 24 inches in depth, or with walls four feet or greater in height and a removable may be unfenced at the decision of the Building Inspector. The above table when applied to accessory private pools only shall consider the unnumbered side of a corner lot as a side yard for the purposes of establishing minimum setback requirements. Other accessory structures except fences shall be governed by the regulations for accessory buildings unless specifically exempt by the ZBA as a special permit.

<sup>1</sup> Defined by the Massachusetts State Building Code .ART. 6 ATM 4/98

ART.14, ATM 4/01

Accessory buildings in the OS district shall be located on the property so as to maintain the harmonious relationship to the neighborhood, and so as not to detract from the primary goal of the open space use.

#### **Section 6.19 - Projections into Minimum Yards**

ART. 81, ATM 4/80; ART. 77, ATM 3/85; ART. 24, ATM 4/97; ART. 7, ATM 4/98

Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half (3 1/2) feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.

Unenclosed steps, unroofed porches and the like, which do not project more than ten (10) feet in the front yard, or more than five (5) feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet into the required rear yard and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built

Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

#### **Section 6.20 - Exception to Minimum Front Yard - Average Setback**

Where the required lot frontage of developed residential lots along a block amounts to more than fifty (50) percent of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

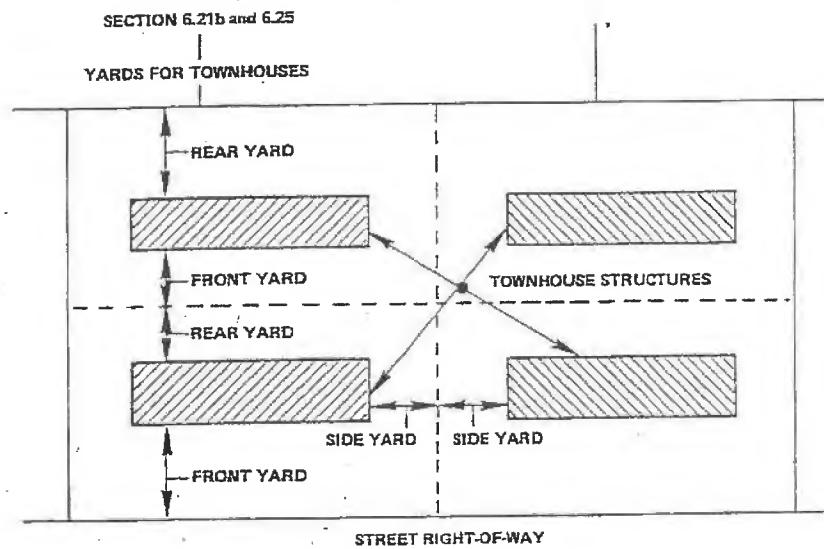
#### **Section 6.20a - Minimum Lot Width in R0, R1 and R2 Districts**

ART. 6, ATM 4/92; ART. 7, ATM 4/88; ART. 15, ATM 5/91

In R0, R1 and R2 districts, each lot shall have a width of not less than fifty feet at all points between the front lot line and the front line of the nearest building wall, except that such minimum lot width shall not apply (1) to any lot excepted under the provisions of Section 6.06, or (2) in connection with the restoration of any principal building on any lot on which either such building exists or for which a building permit has been issued prior to the date of the first advertisement of this section in February, 1988. Such width shall be measured along lines parallel to the front lot line.

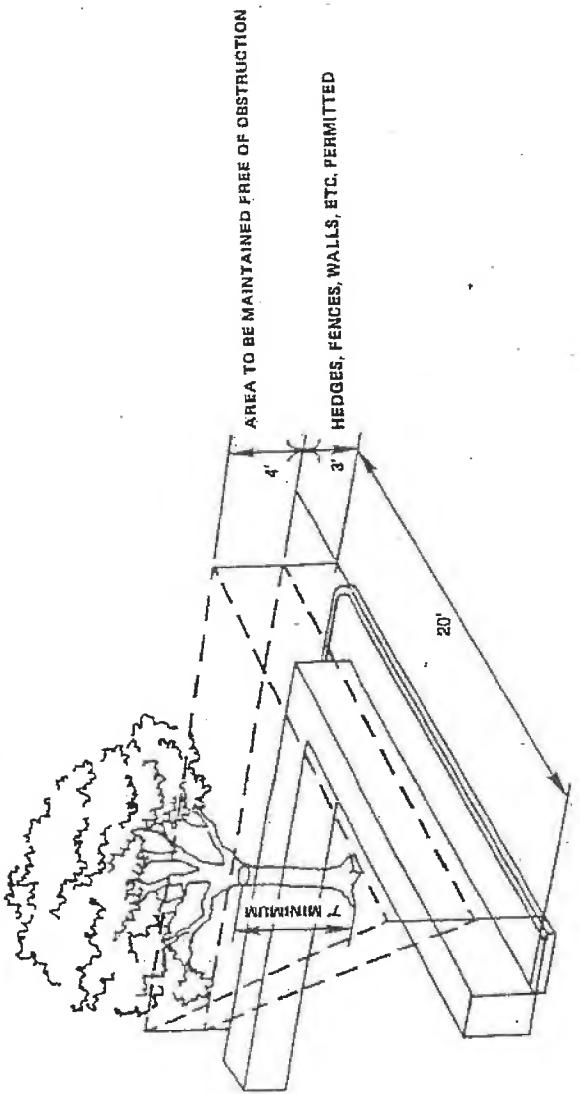
#### **Section 6.21 - Dimensional Requirements for Courts**

- a. Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard as specified in Section 6.00 shall be provided between the wings, but not less than twenty-five (25) feet.
- \*b. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less than the sum of the minimum front and rear yards specified for the district in which they are located.



"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning Bylaw."

TRAFFIC VISIBILITY ACROSS CORNERS, SECTION 6.22



"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning Bylaw."

#### **\*Section 6.22 - Traffic Visibility Across Corners**

Between the property lines of intersecting streets and a line joining points on such lines twenty (20) feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three (3) feet and seven (7) feet above the plane through their curb grades.

#### **Section 6.23 - Traffic Visibility for Driveways**

A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half (2-1/2) feet in height above the adjacent ground within five (5) feet of the front lot line unless it can be shown that such vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

#### **Section 6.24 - Accessory Underground Structures**

Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where Landscaped Open Space is required, no underground structure or building shall be located beneath more than fifty (50) percent of the required Landscaped Open Space, nor nearer to any lot line for more than seventy-five (75) percent of the length of that lot line.

#### **\*Section 6.25 - End Yards for Town House Structures**

One town house structure shall be separated from the end of another town house structure by a distance not less than two times the minimum side yard specified in Section 6.00 for the district in which the site is located.

#### **Section 6.26 - Buildings of Uneven Height or Alignment**

- \*a. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either  $(H^1 + L^1)/6$  or  $(H^2 + L^2)/6$  whichever is greater, where:

$H^1$  = the height of the taller portion of the building;

$H^2$  = the height of the lower portion of the building;

$L^1$  = the length of the taller portion of the building; and

$L^2$  = the entire length of the building.

Where the formula  $10 + L/10$  applies,  $L$  shall be defined as  $L^2$  above.

- \*b. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be  $(H + L^1)/6$  for the portion of the building nearer the lot line; and  $(H + L^2)/6$  for the portion of the building further from the lot line, where:

$H$  = the height of the building;

$L^1$  = the length of the portion of the building nearer the lot line; and

$L^2$  = the entire length of the building.

Where the formula  $10 + (L/10)$  applies, the required yards and setbacks shall be  $10 + (L^1/10)$  for the portion of the building nearer the lot line; and  $10 + (L^2/10)$  for the portion of the building further from the lot line, with  $L^1$  and  $L^2$  defined as above.

- c. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

- \*1. Where the taller part of the building is nearer to the lot line required yards and setbacks shall be  $(H^1 + L^1)/6$  for the portion of the building nearer to the lot line; and  $(H^2 + L^2)/6$  for the portion of the building further from the lot line, where:

$H^1$  = the height of the taller part of the building;

$H^2$  = the height of the lower part of the building;

$L^1$  = the length of the taller part of the building; and

$L^2$  = the entire length of the building.

2. Where the formula  $10 + (L/10)$  applies, required yards and setbacks shall be  $10 + (L^1/10)$  for the portion of the building nearer the lot line; and  $10 + (L^2/10)$  for the portion of the building further from the lot line, with  $L^1$  and  $L^2$  defined as above.

- \*3. Where the taller part of the building is further from the lot line, required yards and setbacks shall be  $(H^1 + L^2)/6$  for the portion of the building further from the lot line; and  $(H^2 + L^1)/6$  for the portion of the building nearer the lot line, where:

$H^1$  = the height of the taller part of the building;

$H^2$  = the height of the lower part of the building;

$L^1$  = the length of the lower part of the building; and

$L^2$  = the length of the entire building.

Where the formula  $10 + (L/10)$  applies, the required yards and setbacks shall be  $10 + (L^1/10)$  for the portion of the building nearer the lot line; and  $10 + (L^2/10)$  for the portion of the building further from the lot line, with  $L^1$  and  $L^2$  defined as above.

#### **Section 6.27 - Yards or Setbacks for Lots Adjoining a Street or Public Open Space**

##### **ART. 22, ATM 4/97**

In cases subject to Section 11.06 Environmental Design Review, the Redevelopment Board in evaluating the proposal may by Special Permit adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

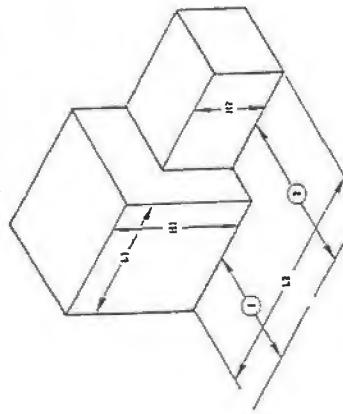
#### **Section 6.28 - Planned Unit Development Yards and Setbacks**

##### **ART. 3, ATM 4/89**

In Planned Unit Developments the buildings upon the land may be built to any street line provided the street exceeds sixty (60) feet in width or the zoning on the opposite side of the street is not R2.

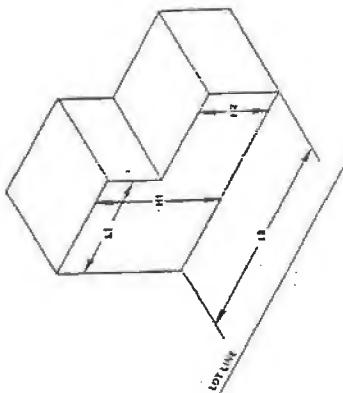
In all other areas, the buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but not less than twenty-five (25) feet from all front, side, and rear lot lines.

SECTION 8 (8ft) - YARD AND SETBACK FORMULA: APPLICATION TO A BUILDING WITH UNLEVEL HEIGHT AND ALIGNMENT WHERE THE FAIR LINE PART OF THE BUILDING IS REARER THE LOT LINE.

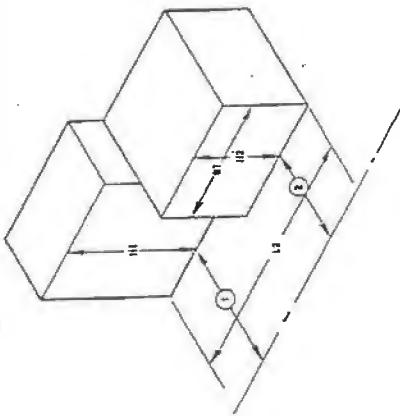


SECTION 8 (8ft) - YARD AND SETBACK FORMULA: APPLICATION TO A BUILDING WITH UNLEVEL HEIGHT AND ALIGNMENT

SECTION 8 (8ft) - YARD AND SETBACK FORMULA: APPLICATION TO A BUILDING WITH UNLEVEL HEIGHT AND ALIGNMENT



SECTION 8 (8ft) - YARD AND SETBACK FORMULA: APPLICATION TO A BUILDING WITH UNLEVEL HEIGHT AND ALIGNMENT WHERE THE FAIR LINE PART OF THE BUILDING IS FAIRER THE LOT LINE



"This diagram is included for illustrative purposes only.  
It is not part of the Arlington Zoning By-Laws."

## **OPEN SPACE REGULATIONS**

### **ART. 6, ATM 4/16Section 6.285 – Upper Story Building Step Backs**

For buildings in excess of three (3) stories in height, an additional seven and one half (7.5) foot step back (upper story building setback) shall be provided beginning at the third (3rd) story level or thirty (30) feet above grade, whichever is less. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys.

### **Section 6.29 - Balconies and Roof as Portion of Usable Open Space**

#### **ART 12, ATM 5/91**

The ZBA, or in cases subject to Section 11.06, the ARB may authorize by special permit that private balconies with a least dimension of six (6) feet and open space on a roof not more than ten (10) feet above the level of the lowest story used for dwelling purposes may be counted up to 50 percent of the usable open space requirement. The application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

### **Section 6.30 - Open Space Regulations for Planned Unit Developments**

The minimum open space regulations for planned unit developments are as follows:

Apartments - 10 percent landscaped, 10 percent usable.

Hotels and motels - 10 percent landscaped.

Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10 percent shall be required.

Office and professional buildings - 10 percent landscaped.

## ARTICLE 7

### SIGNS

#### **Section 7.01 - Intent and Purpose**

It is recognized that signs perform important functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:

- a. Prevent hazards to vehicular and pedestrian traffic.
- b. Prevent conditions which have a blighting influence and contribute to declining property values.
- c. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity.
- d. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment.

It is the intent of this article to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community and to encourage the most appropriate use of land.

#### **Section 7.02 - Applicability**

All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts and other applicable town bylaws. No signs shall be hereinafter constructed, maintained or permitted except in accordance with the following regulations:

#### **Section 7.03 - General Regulations**

##### **ART. 14, ATM 4/01**

The provisions of Section 7.03 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 7.071 to 7.076.

##### **ART. 6, ATM 4/01, ART. 10, ATM 4/12**

a. Any traffic, directional, informational, educational or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of these Bylaws, promotional, informational and/or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on such a sign shall not exceed 3% of the sign area.

b. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.

c. No red or green lights shall be used on any sign if, in the opinion of the Inspector of Buildings with the advice and consent of the Director of Police Services, such light would create a driving hazard.

d. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations or hospitals, except signs on premises open for business and then only while open for business.

ART. 11, ATM 4/10

- e. All illumination shall be either interior and nonexposed or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including, but not limited to, incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.

ART. 9, ATM 4/08

- f. (DELETED)
- g. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.
- h. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product. Such signs shall not exceed one (1) square foot in area.

ART. 85, ATM 3/79

- i. One informational sign up to 4 square feet in area, indicating the existence of, and meeting time and place among other things of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content and location shall be subjects of the special permit. Several such signs of service organizations may be consolidated into one sign in which case the maximum sign area shall be limited to four square feet times the number of organizations listed on the sign.
- j. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events at the church, synagogue or similar religious institution.
- k. One sign, up to one (1) square foot in area, is allowed per residence indicating the name and address of the occupants therein.
- l. One sign is allowed for each of the following in any zone:

Membership club

Community facility

Funeral establishment

Public utility

Place of public assembly

Premises for sale or lease

ART. 25, ATM 4/97

Provided such signs above shall not exceed six (6) square feet in area and it shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line.

ART. 25, ATM 4/97

A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.

ART. 26, ATM 4/97

- m. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall be deposited with the Inspector of Buildings the sum of \$20 in cash for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.

ART. 14, ATM 4/01

- n. A sign area larger than that specifically allowed in 7.05 through 7.076 is allowed by special permit only upon completion of the procedures listed in 7.09.

ART. 10, ATM 4/01

- o. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.

ART. 11, ATM 4/01

- p. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.

ART. 7, ATM 5/15

- q. Notices in compliance with Title V, Article 1 of the Town Bylaws are allowed in any district.

#### **Section 7.04 - Prohibited Signs**

The following signs shall not be permitted, constructed, erected or maintained.

- a. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
- b. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.
- c. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.

ART. 3, ATM 4/89

- d. Any sign which advertises a business no longer in existence, or a product or service no longer sold.
- e. Portable signs.
- f. Window signs which cover more than 25 percent of the area of the window.
- g. Signs for home occupations.
- h. Signs, except awning signs, painted or posted directly on the exterior surface of any wall.
- i. Signs erected so as to obstruct any door, window or fire escape on a building.
- j. Signs constructed, erected or maintained upon the roof of any building.

ART. 7, ATM 4/10

- k. Signs which project over a public right-of-way with the exception of wall signs which may project no more than 12 inches from a building face and with the further exception of bracket signs in the B3 and B5 zoning districts.

ART. 14, ATM 4/01

- I. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale.

#### ART. 28, ATM 4/97

In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

Specific regulations controlling nonaccessory signs are set forth in Section 7.11.

#### **Section 7.05 - Signs permitted in any R District**

One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section 7.071 not to exceed four (4) square feet in area and if a ground sign, set back not less than one half the depth of the front yard.

#### **Section 7.05a - Signs for Bed and Breakfasts**

##### ART. 13, ATM 5/91

A bed and breakfast or a bed and breakfast home in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.

#### **Section 7.06 - Signs permitted in any B, I or PUD District**

##### ART. 71, ATM 3/77

- a. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section 7.071 and 7.072, there shall not exceed a total of two permanent signs for any one business or industrial establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.
- b. One directory of the occupants or tenants of the building affixed at each entrance not exceeding an area determined on the basis of one (1) square foot for each occupant or tenant.
- c. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four (4) feet overall in height.
- d. One awning sign for each display window of a store.

#### **Section 7.07 - Special Controls by Zoning District**

##### **7.071 - Signs Permitted in B1, R6, R7 Districts**

##### ART. 71, ATM 3/77; ART. 44, ATM 3/82; ART. 4, ATM 4/93; ART. 29, ATM 4/97

Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight (8) square per feet in area, per building except that in R6 and R7 districts, buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than ten percent of the sign area, unless said trademark or commodity is the principal activity conducted therein.

### **7.072 - Signs Permitted in Any B2 or T District**

ART. 71, ATM 3/77; ART. 8, ATM 4/01

One permanent wall sign not to exceed two (2) feet in height or a ground sign not to exceed twenty (20) square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than ten (10) percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.

### **7.073 - Signs Permitted in Any B3, B5 I, or PUD District**

One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

ART. 7, ATM 4/10

### **7.073a – Signs Permitted in Any B3 and B5 District**

One sign permitted by Sections 7.06 and 7.073 may be a bracket sign meeting the following dimensional requirements : a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 sq feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.

### **7.074 - Signs Permitted in Any B2A or B4 District**

ART. 4, ATM 4/97; ART. 4, ATM 5/91

- a. One permanent wall sign for each street or parking lot frontage of each establishment not to exceed forty (40) square feet and to conform to the "wall sign" provisions of Article 7.
- b. One standing sign which does not exceed twenty-four (24) square feet in lieu of the wall signs permitted in 7.074a. If a standing sign is provided, there may be one permanent wall sign which does not exceed twenty (20) percent of the area of the standing sign.
- c. On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.
- d. Where a single lot is occupied by more than one (1) establishment, whether in the same structure or not, there shall not be more than one (1) free-standing sign for each lot street frontage.
- e. At gasoline service stations, one (1) standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.
- f. If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than ten (10) percent of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

### **7.075 - Signs Permitted in MU Districts**

ART.2, STM 9/04

- a. One (1) free-standing sign provided such sign is not more than four (4) feet by six (6) feet or twenty-four (24) square feet in area and the top of the sign is not over twelve (12) feet above the ground.
- b. One (1) wall or standing sign for identification of each building provided the surface area of such sign of one (1) side shall not be more than ten (10) square feet nor, if a standing sign, more than six (6) feet above ground.
- c. Directional signs that point out parking lots and specific services provided they are not larger than one (1) foot by three (3) feet and provided the top of the sign is not more than four (4) feet above the ground.

### **7.076 - Signs Permitted in OS Districts**

ART. 14, ATM 4/01

- a. One unlighted permanent freestanding sign for any permitted use, not to exceed four(4) square feet in area and set back not more than fifteen(15) feet from the front property line.
- b. On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed twenty-four square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3% of the area of the kiosk.

### **Section 7.08 - Sign Permits and Maintenance**

ART. 9, ATM 4/88

- a. All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the Inspector of Buildings for a permit. A copy of the Application shall be submitted to the Department of Planning and Community Development.
- b. All applications for sign permits shall include at a minimum a drawing to scale indicating the following:
  1. the proposed sign;
  2. all existing signs maintained on the premises;
  3. the lot plan and building facade indicating location of the proposed sign;
  4. specifications for its construction, lighting and wiring.

All drawings shall be of sufficient clarity to show the extent of the work.

ART. 86, ATM 3/86

Upon receipt of a complete application for a sign permit, the Inspector of Buildings shall transmit a complete copy of the application to the Director of Planning and Community Development for his review and comment or that of his designee. The Director or his designee shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Inspector of Buildings within fourteen (14) days of receipt of the application. Failure to submit a report within the time period shall constitute approval of the permit by the Department.

- c. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this bylaw.
- d. The Inspector of Buildings is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Inspector of Buildings is dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.

### **Section 7.09 - Special Permits**

ART. 12, ATM 5/91; ART. 15, ATM 4/93

In particular instances, the ZBA, or in cases subject to Section 11.06, the ARB may permit more than the number of signs hereinabove permitted or signs of a greater size or in a location other than hereinabove specified, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting such permission, the ZBA or ARB as appropriate shall specify the size and location of the sign or signs and impose such other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four (4) feet times the linear face of the building front.

ART. 12, ATM 5/91

Any applicant under this provision shall provide information required in Section 7.08 above, in addition to specific information in the form of perspectives, renderings, photographs, models or other representations sufficient to show the nature of the proposed sign and its effect on the immediate surroundings. Prior to the granting of a special permit under this provision, the ZBA shall receive comments on the sign from the Arlington Redevelopment Board and/or the Department of Planning and Community Development, and if subject to ARB approval, the ARB shall not act until it receives comment from the Department of Planning and Community Development.

### **Section 7.10 - Nonconformance of Accessory Signs**

Accessory signs or other advertising devices legally erected before the adoption of this bylaw may continue to be maintained, provided, however, that no such sign or other advertising device shall be permitted if it is, after the adoption of this bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this bylaw; and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:

- a. shall have been abandoned;
- b. advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at the particular premises; or
- c. shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Inspector of Buildings.

## **Section 7.11 - Nonaccessory Signs**

No person, firm, association or corporation shall erect, display or maintain, within the limits of the town, a billboard, sign, or other outdoor advertising device, except those exempted by Section 30 and 32 of Chapter 93 of the General Laws, or by any additions to, or amendments of said sections.

No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.

Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.

No nonaccessory signs shall be erected in any R district and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:

On the premises of or within 300 feet of, a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89-665, 805.915 (1966) as now in force or hereinafter amended;

On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;

Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the zoning map of the Town of Arlington;

Within a radius of one hundred fifty (150) feet from the point where the centerlines of two or more public ways intersect;

Exceeding a height of 30 feet measured from the ground surface;

Upon the roof of any building;

Exceeding an area of three hundred (300) square feet or one-half (1/2) square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;

Containing a sign face with a vertical dimension in excess of twelve (12) feet;

Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet or a height of four (4) feet;

Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twenty-five (25) feet or a height of twelve (12) feet; or

In any event if such billboard, sign or other advertising device shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.

No billboard, sign or other advertising device shall be erected, displayed or maintained until a Permit therefor has been issued by the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from said Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the Selectmen shall hold a public hearing on said application in the town, notice of which shall be given by posting the same in three or more public places in said town at least one week before the date of such hearing. A written statement as to the results thereof shall be forwarded to the Division containing, in the event of a disapproval of such application, the reasons therefor, within thirty (30) days from the date of notice of the town that an application for such a permit had been made.

This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

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## ARTICLE 8

### OFF STREET PARKING AND LOADING REGULATIONS

#### Section 8.01 - Off-Street parking Requirements

It is the intent of this section to encourage and promote off-street motor vehicle parking in the Residence Districts and to allow the use of a front yard for such off-street motor vehicle parking only under exceptional circumstances. It is further the intent to preserve, insofar as possible, the landscaped front yard on each lot. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in its entirety in accordance with the Table of Use Regulations (see Article 5), the Table of Off-Street Parking Regulations, and the other requirements contained herein.

#### TABLE OF OFF-STREET PARKING REGULATIONS

Use	Number of off-street parking spaces per unit
Dwelling, one-, two-, and three-family units.	Two (2) per dwelling unit.
Apartment house.	One per efficiency, one and fifteen hundredth (1.15) per one bedroom unit, one and fifty hundredth per two bedroom unit, two per three or more bedroom units, one per five units of publicly assisted elderly housing.
ART. 2, STM 12/98 Assisted Living	Four tenths (0.4) parking spaces for each dwelling unit
ART. 13, ATM 5/91 Lodging house, bed and breakfast, bed and breakfast home, dormitory, fraternity, sorority, YMCA, YWCA, and similar types of group quarters	One per rental or sleeping unit. Any bedroom or group of two (2) beds in a single room constitutes a sleeping unit.
ART. 10, ATM 4/08 Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities.	One for each four (4) seats of total seating capacity. For the purpose of calculating parking requirements for Restaurants, seasonal outdoor seating shall not count in total seating capacity.
ART. 5, ATM 4/94 Health Club	One per three hundred (300) sq ft of floor space

**TABLE OF OFF-STREET PARKING REGULATIONS (Continued)**

<u>Use</u>	<u>Number of off-street parking spaces per unit</u>
Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor, which are unusually extensive in relation to customer traffic.	One per thousand (1,000) sq ft of gross floor space. In the case of outdoor display areas, one for each one thousand (1,000) sq ft of lot area in such use.
Hotel, motel, tourist court.	One for each sleeping room, plus one for each four hundred (400) sq ft of public meeting area and restaurant space.
Other retail, service.	One per each three hundred (300) sq ft of floor space.
ART. 100, ATM 3/87	
Office use including professional, business, medical and dental	One per five hundred (500) sq ft of floor space.
Wholesale establishment, warehouse or storage establishment	One per each one thousand (1,000) sq ft of gross floor space.
Manufacturing or industrial establishment	One per each six hundred (600) sq ft of gross floor space OR seventy-five hundredths (0.75) per each employee of the combined employment of the two (2) largest successive shifts, whichever is larger.
Medical/dental office building.	Four (4) spaces per doctor or dentist.
Medical/dental clinic.	Four (4) spaces per doctor or dentist on duty during busiest shift.
Hospital.	Two and twenty-five hundredths (2.25) per bed at design capacity.
Nursing home.	One per four beds at design capacity
Business, trade or industrial school or college, country clubs.	One for each two hundred (200) sq ft of gross floor area in classrooms and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity.

TABLE OF OFF-STREET PARKING REGULATIONS (Continued)

Use	Number of off-street parking spaces per unit
Other school.	Two (2) per classroom in elementary and junior high school; four (4) per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity.
ART. 70, ATM 3/77 Community facility (town building, recreation, etc.).	One per each three employees on the largest shift.
Public utility.	One for each four hundred (400) sq ft of gross floor area devoted to office use.
	One for each eight hundred (800) sq ft of gross floor area per other use.
Transportation terminal establishment.	One for each six hundred (600) sq ft of gross floor area.
Mixed use.	Sum of various uses computed separately.
Any use permitted by this Bylaw not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Inspector of Buildings.

**ART. 7, ATM 4/16**

**Section 8.01(a)—Parking Reduction in Business, Industrial, and Multi-Family Residential Zones.** The ZBA, or in cases subject to Section 11.06, the ARB may grant a special permit to allow the reduction of the parking space requirements in the R5, R6, and Business and Industrial zones to 25% of that required in the Table of Off Street Parking Regulations where parking is found to be adequate, and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

1. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In such cases the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.

2. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements, where alternative parking is within 600 feet of the subject property, as provided in Section 8.06. Off-site parking may be provided in public lots located within 1,000 feet of the building, as provided in Section 8.11. Applicant shall document efforts to promote use of off-site parking by customers, residents or employees.
3. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. Transportation Demand Management provides incentives to reduce the use of Single Occupant Vehicles, and encourages the use of public transit, bicycling, walking and ridesharing. All projects requesting a parking reduction must employ at least three (3) TDM methods described below:
  - a. Charge for parking on-site;
  - b. Pay a stipend to workers or residents without cars;
  - c. Provide preferential parking for carpooling vehicles;
  - d. Provide a guaranteed emergency ride home;
  - e. Provide transit pass subsidies;
  - f. Provide covered bicycle parking and storage;
  - g. Provide bicycle or car sharing on site;
  - h. Provide showers, for business or industrial uses;
  - i. Other means acceptable to the permit granting authority

#### **Section 8.02 - Off-Street Loading and Unloading Requirements**

ART. 101, ATM 3/87

For every building hereafter erected for retail; personal, consumer, & business services; eating &drinking; light industry; utility, transportation, & communications; commercial, & storage; wholesale business and storage; institutional, & educational; public, recreational, & entertainment; or office uses as specified in the Table of Use Regulations and for every such use hereinafter established in an existing building or area, the off-street loading and unloading requirements presented in the Table of Off-Street Loading Regulations shall apply. In the case of uses which require a Special Permit, the Special Permit Granting Authority may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

TABLE OF OFF-STREET LOADING REGULATIONS

Use	Number of loading spaces per square feet of <u>gross floor area</u>	
1.		
Retail, Personal, Consumer, & Business Services, Eating & Drinking,	5,000 - 20,000	= 1
	20,001 - 50,000	= 2
	50,001 - 100,000	= 3
	plus one for each 100,000 (or fraction) over 100,000	
2.		
Light industry, Utility, Transportation, & Communications, Commercial & Storage, Wholesale Business, & Storage,	5,000 - 20,000	= 1
	20,001 - 40,000	= 2
	40,001 - 120,000	= 3
	120,001 - 200,000	= 4
	plus one for each 100,000 (or fraction) over 200,000	
3.		
Institutional & Educational, Public, Recreational, & Entertainment, Office Uses,	5,000 - 50,000	= 1
	50,001 - 100,000	= 2
	100,001 - 150,000	= 3
	plus one for each 150,000 (or fraction) over 150,000	

**Section 8.03 - Existing Spaces**

ART. 82, ATM 4/80

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership, provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

**Section 8.04 - Computation of Spaces**

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one (1) space.

**Section 8.05 - Combined Facilities**

ART. 12, ATM 5/91

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, by special permit from the ZBA, or in cases subject to Section 11.06, the ARB where it is evident that such facilities will continue to be available for the several buildings or uses.

### **Section 8.06 - Location of Parking Spaces**

ART. 12, ATM 5/91, ART. 11, ATM 4/08, ART. 5, ATM 4/09

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve or when practical difficulties as determined by the ZBA, or in cases subject to Section 11.06, the ARB prevent their establishment upon the same lot, they shall be established no further than six hundred (600) feet from the premises to which they are appurtenant. Such spaces may be located out of doors or within a structure designed as a public or private garage. Projects subject to Environmental Design Review under Section 11.06, may provide parking off site within six hundred (600) feet, where it can be shown that a long-term agreement has been made to secure off site parking.

### **Section 8.07 - Parking in Residential Districts**

ART. 70, ATM 3/77

- a. For single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front yard setback except on a driveway not exceeding twenty (20) feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than six thousand (6,000) square feet in the longer of the two front yards up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space.

ART. 7, ATM 5/91; ART. 15, ATM 5/91

- b. For single-, two-family or duplex, and three family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway is permitted, unless there is a finding by the special permit granting authority that a second driveway or a driveway that makes more than one intersection with the street, may be added in such manner as to avoid an undue concentration of population, allow adequate provision of transportation, and conserve the value of land and buildings in the vicinity. In no case may a second driveway for a single-, two-family or duplex, or three family dwelling violate any other dimensional or density regulations for the district in which it is located.

ART. 15, ATM 4/93

- c. For single-, two-family or duplex, and three-family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.

### **Section 8.07(a) – Parking in Commercial Districts**

ART. 8, ATM 4/09

For properties located in the B1, B2, B2A, B3, B4, and B5 districts, no parking shall be permitted in the front yard, nor shall any driveways directly in front of a structure be permitted without a finding by the ZBA or, in cases subject to Section 11.06, the ARB, that the parking or driveway is necessary and convenient to the public interest.

ART. 7, ATM 4/16

**Section 8.07(b)** For Mixed-Use, the first 3,000 square feet of non-residential space is exempt from parking requirements.

### **Section 8.08 - Parking of Commercial Vehicles**

The parking of commercial vehicles shall be in accordance with the Table of Use Regulations in Article 5.

## **Section 8.09 - Location of Loading Spaces**

The loading spaces required for the uses listed in the Table of Off-Street Loading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

## **Section 8.10 - Pavement of Parking Spaces**

ART. 3, ATM 4/89; ART. 11, ATM 4/93; ART. 8, 5/07

Parking areas with five (5) spaces or less shall be surfaced with a permanent material or binder such as bituminous cement, concrete, porous asphalt, pervious concrete, concrete brick, paving stones, grass pavers, bluestone, stone dust, star pack, or similar stable gravel materials, or other material which shall be nonerosive material.

## **Section 8.11 - Public Parking Lots**

ART. 78, ATM 3/85; ART. 86, ATM 3/78; ART. 12, ATM 5/91

The ZBA, or in cases subject to Section 11.06, the ARB by special permit may allow the substitution of space within Public Parking Lots in lieu of parking requirements of this article, provided they are located within one thousand (1000) feet of the building which is intended to be served.

## **Section 8.12 - Parking and Loading Space Standards**

ART. 6, ATM 4/94; ART. 6, ATM 5/07

A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Those entered from the front or rear, and stacked spaces, shall have minimum dimensions of eight and one-half by eighteen feet. Compact car parking spaces permitted in accordance with Section 8.12 (11) shall be at least eight by sixteen feet. For parallel parking, a space shall have minimum dimensions of eight feet by twenty two feet, except that such spaces which are open and unobstructed at one end may be only eighteen feet in length. In conforming one and two-family residential side yards, or nonconforming pre-existing one and two-family residential side yards, the width of a parking space may be the width of the side yard, but in no case less than seven and one half feet."

a. All parking and loading areas containing over five (5) spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:

ART. 8, 5/07

- (1) The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The use of porous asphalt, pervious concrete, paving stones, or grass pavers may also be used to meet this requirement, in whole or part, subject to the approval of the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
- (2) A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
- (3) Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of twenty-four (24) feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

Angle of parking	Minimum aisle width
Parallel	12 ft
30 deg	11 ft
45 deg	13 ft
60 deg	18 ft
90 deg	24 ft

- (4) Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- (5) There shall not be any business operation for vehicle repair or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least twenty-five (25) feet from any lot line.
- (6) There shall not be any storage of materials or equipment or, with the exception of duly authorized yard sales, display of merchandise within the required parking area.
- (7) Any portion of any entrance or exit driveway shall not be closer than fifty (50) feet to the curb line of an intersecting street.
- (8) Any two (2) driveways leading to or from a street, or to or from a single lot, shall not be within thirty (30) feet of each other at their intersections with the front lot line for an interior lot and forty (40) feet from the intersection of the lot line with the street right-of-way for a corner lot.
- (9) Any entrance or exit driveway shall not exceed twenty-four (24) feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to forty (40) feet.

#### ART. 7, ATM 4/16

- (10) In R0, R1, R2, R3, and R4 zones, the ZBA, or in cases subject to Section 11.06, the ARB may grant a special permit to allow the reduction of the parking space requirements to eighty (80) percent of that required in the Table of Off-Street Parking Regulations where conditions unique to the use will reasonably justify such a reduction.

#### ART. 6, ATM 5/07

- (11) The ZBA, or in cases subject to Section 11.06, the ARB, may grant a special permit allowing up to 20 percent of the spaces in a parking lot or garage to be sized for compact cars.
- b. All parking and loading areas containing over five (5) spaces which are not inside a structure shall also be subject to the following.

#### ART. 10, ATM 4/10

- (1) The surfaced area shall be set back at least ten (10) feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five (5) feet if the setback includes a solid wall or solid wooden fence, five (5) to six (6) feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required by Section 6.16(a). Where deemed appropriate by property owner and immediate abutters, and as approved

by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

- (2) The area shall be effectively screened with suitable planting or fencing on each side which faces abutting lots used for residential purposes. Such screening shall be within the lot boundaries, and at least five (5) feet and not more than six (6) feet in height. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from said building by a buffer strip of green open space not less than five (5) feet in width and suitably planted.  
The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three (3) feet high, placed parallel to the street except within ten (10) feet of driveways.
- (3) Parking shall not be located within the required front yard area in any district.
- (4) Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.
- (5) Parking areas providing more than twenty-five (25) spaces shall include landscaped area which is at least eight (8) percent of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four (4) feet in width.

c. The standards of Section 8.12 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:

- (1) Reasonable alternative measures have been taken to meet the intent of these standards which is to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage;
- (2) All landscaped space required by section 8.12 is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

The special permit for this subsection shall be heard and decided by the ZBA, except for petitions before the ARB in accordance with Section 11.06, in which case the modification of parking standards shall be heard and decided by the ARB.

### **Section 8.13 – Bicycle Parking**

ART. 4, ATM 4/03

The intent of this section is to provide standards for orderly and safe bicycle parking.

Bicycle parking spaces shall be provided for any development subject to Environmental Design Review (Section 11.06). The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the special permit granting authority; if fewer than 8 motor vehicle parking spaces are provided by special permit, bicycle parking will not be required.

- a. When bicycle parking is required, there will be one bicycle parking space per fifteen motor vehicle spaces, as required in Section 8.01- Off-Street Parking Requirements. The computed number of

bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.

- b. When bicycle parking is required, there will be a minimum of 2 spaces provided; not more than 20 bicycle spaces will be required at a single site.
- c. A bicycle rack, or bicycle storage fixture or structure shall accommodate a bicycle 6 feet in length and 2 feet in width. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.
- d. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.
- e. The following uses ("use" numbers in parentheses refer to Section 5.04 - Table of Use Regulations) are exempt from bicycle parking requirements: places of worship (2.05), cemetery (2.09), funeral home (6.10), automotive repair shop (6.03, 7.06, 7.07), car wash (6.04), gas station (6.05).

The requirements of this section may be modified by special permit where there is a finding by the special permit granting authority that, for the use and location, a modification is appropriate and in the best interest of the Town.

## ARTICLE 9

### NONCONFORMING USES, STRUCTURES, AND LOTS

#### Section 9.01 - Nonconformity by Initial Enactment or Amendment

The provisions of this section apply to actions in connection with nonconforming uses, structures and lots as created by the initial enactment of this Bylaw or by any subsequent amendment. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses whenever possible. The lawful use of any building or land existing at the time of the enactment of this Bylaw may be continued, except as otherwise provided.

#### Section 9.02 - Extension and Alteration

- a. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- b. Any nonconforming principal use of a structure shall not be extended.
- c. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of forty (40) percent of the floor area of the existing structure.

ART. 103, ATM 4/87; ART. 5, ATM 4/89; ART. 8, ATM 5/91; ART. 30, ATM 4/97

- d. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resultant alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.

A single or two-family residential structure may be altered and the conforming use extended throughout the altered portion provided that the resultant alteration does not increase the nonconforming nature of the structure. An alteration that is completely within the existing foundation walls shall be deemed not to increase the nonconforming nature of the structure.

ART. 10, ATM 4/09

The extension of an exterior wall of a single or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the special permit granting authority that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. In making such a finding, the special permit granting authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.

- e. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.

### **Section 9.03 - Residential Lot of Record**

ART. 74, ATM 3/85

Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it has a minimum area of five thousand (5,000) square feet, with a minimum front footage of fifty (50) feet, and is otherwise in accordance with the provisions of the fourth paragraph of Section 6 of the Zoning Act.

### **Section 9.04 - Reduction or Increase**

ART. 72, ATM 3/77; ART. 103, ATM 3/87

- a. Any lot or open space on a lot including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless the Special Permit Granting Authority has permitted an alteration to the property pursuant to Section 9.02 d. This section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.
- b. No building area or floor area, where already nonconforming, shall be increased so as to be in greater non-conformity.
- c. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

### **Section 9.05 - Change**

ART. 105, ATM 3/87

- a. Any nonconforming use of structure may be changed to another nonconforming use by Special Permit provided the new use is not a substantially different use as determined by the ZBA.

ART. 105, ATM 3/87

- b. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.
- c. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

### **Section 9.06 - Restoration**

ART. 86, ATM 3/78; ART. 12, ATM 5/91; ART. 6, ATM 4/93; ART. 31, ATM 4/97

- a. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original use or a conforming use.
- b. If restoration under a. above is not started within one (1) year of the cause of the damage, the repaired structure shall not be used except for a conforming use.

### **Section 9.07 - Abandonment**

ART. 72, ATM 3/77

Any nonconforming use of a conforming structure and lot which has been abandoned for a continuous period of two (2) years or more shall not be used again except for a conforming use. For agriculture, horticulture or floriculture, the abandonment period shall be five (5) years.

A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two (2) years unless other facts show intention to resume the nonconforming use.

#### **Section 9.08 - Moving**

Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

#### **Section 9.09 - Unsafe Structure**

ART. 32, ATM 4/97; ART. 9, ATM 5/91

Except as covered under Sections 9.06 and 9.07, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one (1) year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the ZBA, or in cases subject to Section 11.06, the ARB.

#### **Section 9.10 - Special Permit Uses: Repair, Reconstruction, Extension, Addition.**

ART. 102, ATM 3/83

Special permit uses are a special class of uses not existing as of right. Except as hereinafter provided, whenever a structure or lot is occupied by a use such as would require a special permit pursuant to Section 5.04, and Section 11.06 when applicable, if such activity were to commence as a new use thereon, then any reconstruction, alteration, addition or extension of such use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued therefore, except when or for:

1. A damaged or unsafe structure occupied by a use under previously granted special permit(s) may be repaired or reconstructed for such use in accordance with the same terms and conditions, if any, attached to such permit(s).
2. A damaged or unsafe structure occupied by a use not under previously granted special permit(s) may be repaired or reconstructed for such use without such permit(s) provided that the cost of such repair or construction does not exceed fifty (50%) percent of the physical replacement value of the previously existing structure(s).
3. Interior renovations are done without any addition to the gross floor area of the existing structure(s).

ART. 3, ATM 4/89

4. Reconstruction, alteration, or additions to a structure occupied by a use under previously granted special permit(s) for such activity provided that the addition does not exceed the lesser of 500 square feet or twenty-five (25%) percent of the gross floor area in existing structure(s) and that no such activity violates any condition(s) attached to such permit(s).

None of the foregoing exceptions shall exempt any construction undertaken thereunder from compliance with all dimensional, density, parking, landscaping or other provisions of this bylaw.

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## ARTICLE 10

### ADMINISTRATION AND ENFORCEMENT

#### **Section 10.01 - Administrative Official**

It shall be the duty of the Inspector Of Buildings to administer and enforce the provisions of this Bylaw.

#### **Section 10.02 - Permit Required**

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any building, other structure or lot without applying for and receiving from the Inspector of Buildings the required building permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code.

An application for a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Bylaw. A record of all applications, plans, and permits shall be kept on file by the Inspector of Buildings. The Inspector of Buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within thirty (30) days of receipt of the application.

No permit shall be issued under this section if the building, structure or lot as constructed, altered, relocated or used would be in violation of any provision of this Bylaw. Whenever such permit or license is refused because of some provisions of this Bylaw, the reason therefor shall be clearly stated in writing.

#### **Section 10.03 - Previously Approved Permits**

The status of previously approved permits shall be as determined by the Zoning Act, Section 6. The construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

#### **Section 10.04 - Certificate of Occupancy Required**

No building hereafter erected, altered substantially in its use or extent or relocated shall be used or occupied, and no change shall be made of the use of any building or of any parcel of land, unless a certificate of occupancy signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such certificate shall not be granted unless the proposed use of the land and building and all accessory uses comply in all respects with this Bylaw and no use shall be made of such land or building that is not authorized by such certificate of occupancy.

Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within five (5) days after the Inspector of

Buildings has been notified in writing that the erection or alteration of such buildings has been completed. Failure of the Inspector of Buildings to act within five (5) days of receipt of said notification shall be deemed to constitute approval of the application for a certificate of occupancy. A record of all certificates shall be kept on file in the office of the Inspector of Buildings. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the Building Code and state laws or of this Bylaw to such a degree as to render it unsafe for the occupancy proposed.

#### **Section 10.05 - Sign Permit Required**

ART.14, ATM 4/01; ART. 7, ATM 4/05

No sign in any "B," "MU," "PUD," "T," "OS", or "I" District or sign requiring approval of the ZBA in any "R" District shall be erected on the exterior of any building or on any lot unless a sign permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building.

ART. 9, ATM 4/88

An application for a sign permit shall be accompanied by a plan, accurately drawn, showing the actual shape, dimensions and wording of the sign, and showing the location of the sign on the building or lot, and by such other information as the Inspector of Buildings may require. A record of all applications, plans, and permits shall be kept on file by the Inspector of Buildings. The Inspector of Buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within fourteen days of receipt of the application, or if the lot or building upon which the sign is to be erected is waiting approval of a building permit as required by Section 10.02 of this Bylaw, then action on such sign permit shall be taken within fourteen days after approval or denial of the building permit application.

#### **Section 10.06 - Permit and Certificate Fees**

ART. 4, ATM 5/91; ART. 33, ATM 4/97

Fees shall be as established by the Bylaws of the Town of Arlington.

#### **Section 10.07 - Permit Time Limits**

ART.6, ATM 4/98

Any work for which any permit has been issued by the Inspector of Buildings shall be commenced within the time period specified in the Massachusetts State Building Code.

#### **Section 10.08 - Notice of Violation**

ART 11, ATM 5/91

If the Inspector of Buildings shall be informed or have reason to believe that any provision of this Bylaw has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist within 14 days of the receipt of a written complaint. If he shall find any such violation, he shall serve a WARNING to any owner or person responsible for such violation of the provisions of this Bylaw or the Town Bylaws, or in violation of any approved plan, information or drawing pertinent thereto, or in violation of a permit or certificate issued under the provisions of this Bylaw, and such WARNING shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Inspector of Buildings. Any owner, who having been served with a WARNING, and who ceases any work or other activity, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, morals or general welfare.

### **Section 10.09 - Prosecution of Violation**

ART 11, ATM 5/91

If the notice of WARNING is not complied with according to the time specified in said WARNING, the Inspector of Buildings, pursuant to the provisions of MGL Chapter 40, Section 21D, may institute a non-criminal complaint(s). Each day in which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.

The Inspector of Buildings may also, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three hundred dollars (\$300.00) for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

### **Section 10.10 - Board of Appeals**

ART 12, ATM 4/10

- a. **MEMBERSHIP.** There shall be a ZBA consisting of five (5) members and two (2) associate members. All members of said ZBA shall be residents of the Town of Arlington, one (1) member shall be an Attorney-At-Law, and at least one of the remaining members shall be a registered architect or a registered professional engineer.
- b. **APPOINTMENT.** Members of the ZBA in office at the effective date of this Bylaw shall continue in office for the duration of their appointed term. However, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act.
- c. **POWERS.** Under this Bylaw, the ZBA shall have the following powers:
  1. To hear and decide appeals.
  2. To hear and decide applications for special permits for exceptions.
  3. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this Bylaw.

In exercising the powers under paragraph 3. above, the ZBA may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

In exercising these powers, the ZBA may, in conformity with the provisions of this Bylaw and the Zoning Act, revise or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issue of a permit.

- d. **ADOPTION OF RULES.** The ZBA shall adopt rules, pursuant to the Zoning Act and not inconsistent with the provisions of the bylaws of the town, for conducting its business and otherwise carrying out the purposes of the Zoning Bylaw. A copy of such rules shall be filed in the office of the Town Clerk. Meetings of the ZBA shall be held at the call of the Chairman, and also when called in such other manner as the ZBA shall determine in its rules.

\*e. APPEALS:

1. Any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings under the provisions of this Bylaw, by any officer, department or board of the town, or by any order or decision of the Inspector of Buildings or other town official in violation of any provision of this Bylaw may take an appeal to the ZBA.
2. Any person desiring to obtain the permission of the ZBA for any purpose for which such permission is required under the provisions of this Bylaw shall make application in writing therefor within thirty (30) days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk. The Town Clerk shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed, and to the members of the ZBA. Such officer or board shall forthwith transmit to the ZBA all documents and papers constituting the record of the case in which the appeal is taken.
3. The ZBA shall fix a reasonable time for the hearing of any appeal or other matter referred to it or any petition for a variance, and shall cause the notice of the time and place of such hearing thereof and the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, and also before the day of the hearing shall send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the ZBA to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, notwithstanding that the abutting land or the next adjoining land is located in another city or town, as they appear on the most recent local tax list, and to the ARB. The publication required by this section shall contain the following printed in bold face type: (1) the name of the petitioner; (2) the location of the area or premises which are the subject of the petition; and (3) the date and place of the public hearings. At the hearing, any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.

ART.19, STM 3/77, ART. 11, ATM 4/12

4. The Chairman of the ZBA, or in his absence the Acting Chairman, may administer oaths, but must do so for hearings involving MGL Chapter 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The ZBA and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in Sections 9 and 15 of the Zoning Act. The ZBA shall cause to be made a detailed record of its proceedings which in the case of MGL 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decisions, and of its other official actions, copies of all of which shall be filed within fourteen (14) days in the office of the Town Clerk and the office of the ARB and shall be a public record, and notice or decisions shall be mailed immediately to parties in interest as designated in paragraph e.3. above, and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the ZBA shall issue to the land owner a notice, certified by the chairman or clerk, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the ZBA on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Middlesex County Registry of Deeds.

The fee for recording such notice shall be paid by the owner and the notice shall be indexed in the grantor index under the name of the owner of record.

The concurring vote of all members of the ZBA shall be necessary to reverse any order or decision of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Bylaw, or to effect any variance in the application of this Bylaw.

ART. 86, ATM 3/78

5. No appeal or petition under paragraph e.3. above for a variance from the terms of this Bylaw with respect to a particular parcel of land or the building thereon, and no application under paragraph e.2. above for a special permit under the terms of this Bylaw, which has been unfavorably acted upon by the ZBA shall be considered on its merits by said ZBA within two (2) years after the date of such unfavorable action except with the consent of all but one of the members of the ARB; provided, however, that an annulment of a favorable decision of said ZBA by the Court pursuant to the authorization contained shall not constitute unfavorable action within the meaning of this paragraph.
- f. OTHER REQUIREMENTS. The granting of any appeal by the ZBA shall not exempt the applicant from any provision of this Bylaw not specifically ruled upon by the ZBA or specifically set forth as exception in this particular case from a provision of this Bylaw. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the ZBA in authorizing a special permit or variance without appealing to the ZBA as a new case over which the ZBA shall have complete administrative power to deny, approve or modify.

**\*Section 10.11 - Special Permits**

ART. 86, ATM 3/79

Certain uses, structures or conditions are designated as special permit uses in Article 5, Table of Use Regulations, and elsewhere in this Bylaw. Upon written application duly made to the ZBA, or to the ARB for uses that come under the provisions of Section 11.06, the ZBA or the ARB may, in appropriate cases subject to the applicable conditions set forth in Article 11 of this Bylaw and elsewhere and subject to other appropriate conditions and safeguards, grant a special permit for such uses or conditions and no others.

ART. 80, ATM 4/80; ART. 8, ATM 4/94

In addition to new uses of buildings or of land which require(s) a special permit according to Section 5.04, other uses in the Table of Use Regulations shall be subject to a special permit when: one use is converted to another use category or subcategory listed as a special permit use in Section 5.04 for the District in question; a special permit use is expanded so that its cumulative size exceeds a threshold specified in Section 5.04 (for example, a retail use or building exceeding 3,000 square feet in total floor area per Principal Use 6.16); changes are made in the exterior of a structure housing a special permit use, including uses which have not previously been granted a special permit; or material changes in use characteristics occur within the same use category for Vehicular Oriented Businesses (uses 6.01 to 6.05) or Eating Establishments (uses 6.12 to 6.14) which are listed as special permit uses, including uses which have not previously been granted a special permit. Material changes in use characteristics shall include changes in business practices or occupancy which result in a change in the principal product or service being traded, such as a fast food hamburger establishment replacing a fast food ice cream establishment or an automotive muffler shop replacing an automotive tune-up establishment.

ART. 6, ATM 4/09

- a. Before granting an application for a special permit for a use listed in Section 5.04, the ZBA or the ARB with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following special permit standards to be met:

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. Any special regulations for the use, set forth in Article 11, are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

ART. 86, ATM 3/79, ART. 6, ATM 4/09

- b. The ZBA or the ARB shall also impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Bylaw, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences, or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this Bylaw. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the ZBA or the ARB. Any special permit granted under this section shall lapse within two years if a substantial use thereof has not sooner commenced except for good cause, in the case of permit for construction, if construction has not begun by such date except for good cause.

ART. 12, ATM 5/91; ART. 4, ATM 4/94, ART. 6, ATM 4/09

- c. In order that the ZBA, or in cases subject to Section 11.06, the ARB may determine that the above-mentioned special permit standards are to be met, a site plan shall be submitted, in duplicate, to the ZBA, or ARB as appropriate, by the applicant. In the case of Special Permits for uses, listed in the Table of Use Regulations, all such site plans shall be prepared, signed and stamped by a professional land surveyor or professional engineer registered in Massachusetts unless the Special Permit Granting Authority waives the requirement in writing

Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features, such as fences, walls, planting areas and walks.

The ZBA shall within ten (10) days after receipt thereof transmit one copy of such plan to the ARB. The ARB may, in its discretion, investigate the case and report in writing its recommendations to the ZBA.

The ZBA shall not take final action on such plan until it has received a report thereon from the ARB or until said ARB has allowed thirty (30) days to elapse after receipt of such plan without submission of a report thereon.

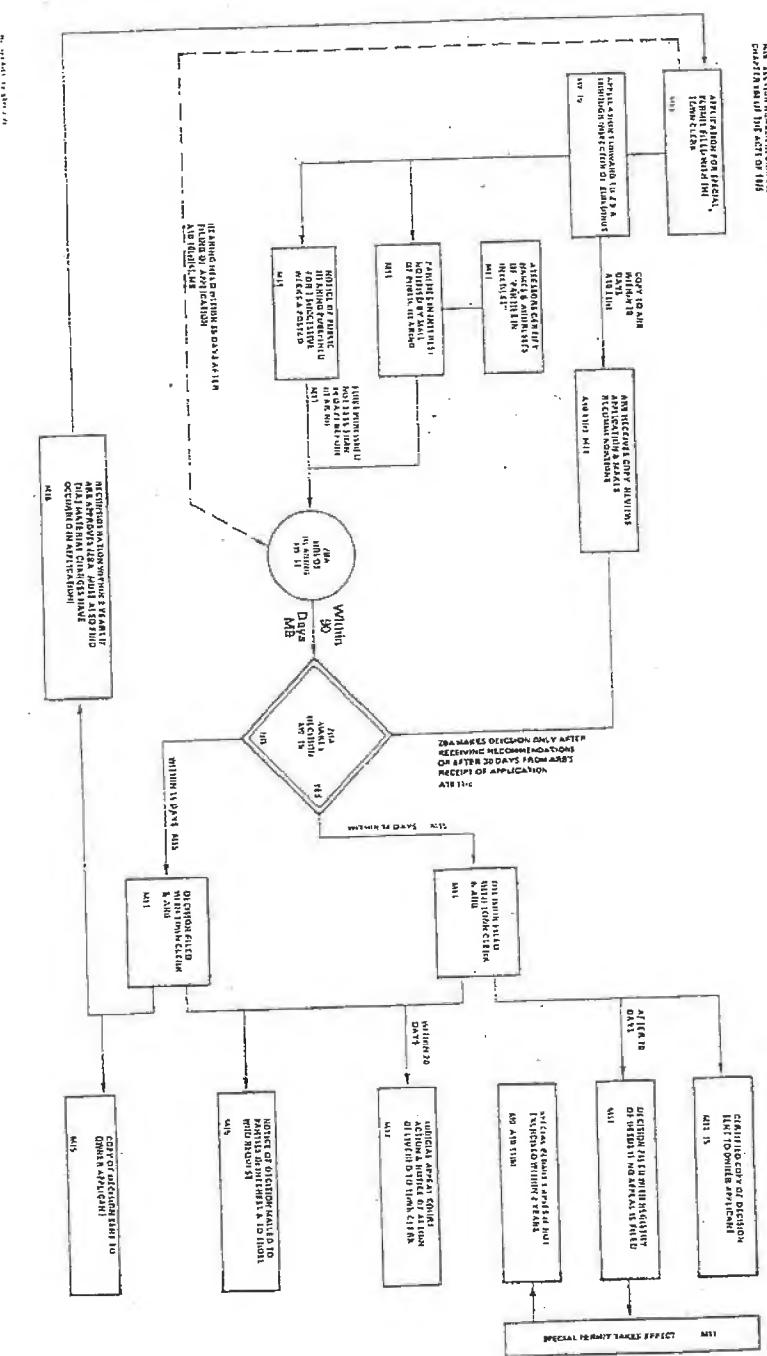
#### **Section 10.12 - Variances**

ART. 85, ATM 3/78

The Zoning Board of Appeals is empowered to grant variances to the provisions of this Bylaw in accordance with Section 10 of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

## Special Permit Process

1972 ANNUAL MEETING OF THE AMERICAN JOURNAL OF LAW AND  
GEOGRAPHY AT THE BOSTON CIVIC CENTER, BOSTON, MASS.  
MEETINGS & SESSIONS IN THESE TWO DAYS AND EVENING FEATURES

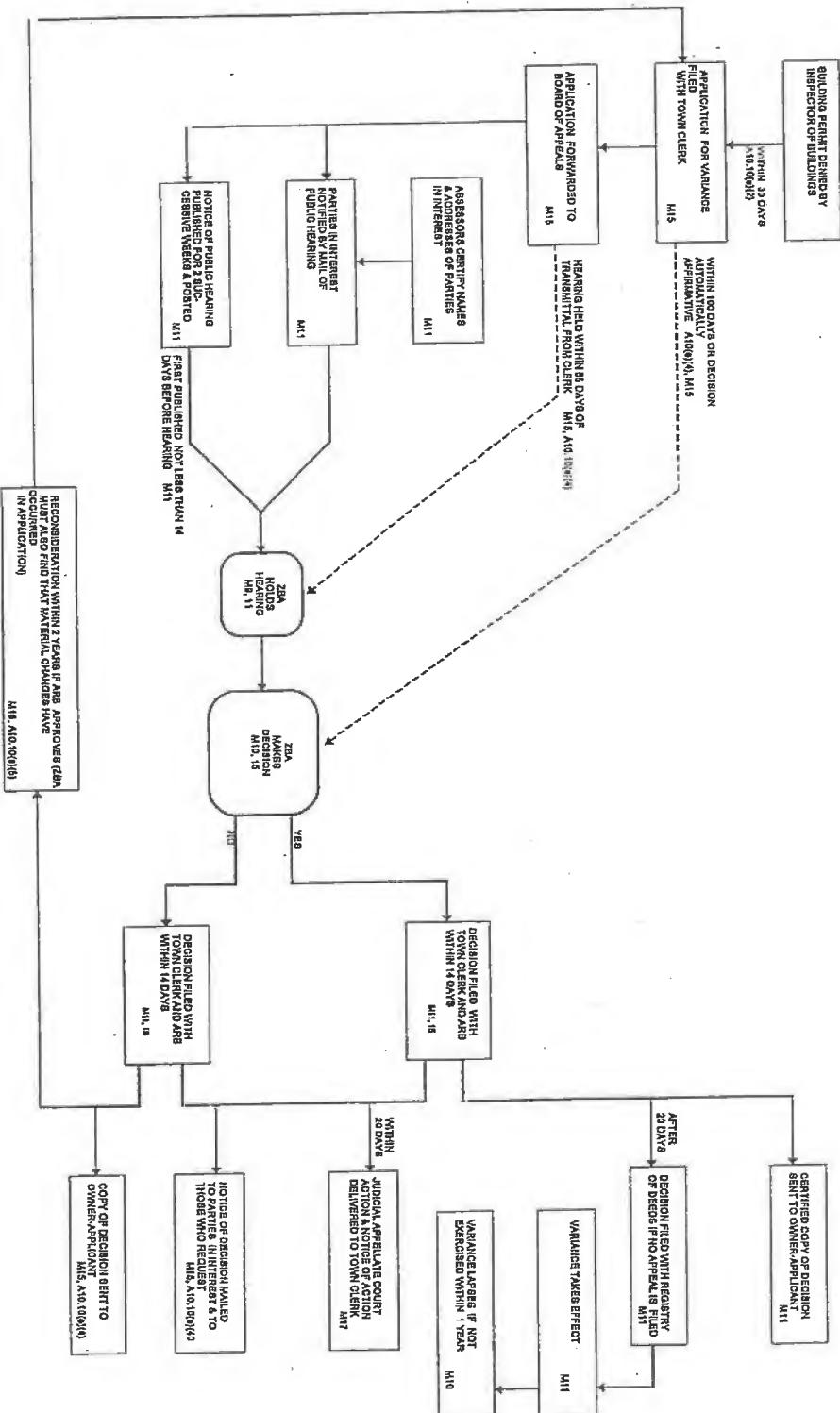


"This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw."

Variance Process

**VALUATION 100%  
STEPS AND SCHEDULING AS REQUIRED BY THE  
ARLINGTON ZONING BY-LAW AND CHAPTER 40  
OF THE MASSACHUSETTS GENERAL LAWS**

NOTE: REFERENCES TO SECTIONS IN THESE TWO LAWS ARE CITED AS FOLLOWS:  
A.D.100) SECTION NUMBER IN THE ARLINGTON BY-LAW



**"This diagram is included for illustrative purposes only  
It is not part of the Arlington Zoning Bylaw."**

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## ARTICLE 11

### SPECIAL REGULATIONS

#### **Section 11.01 - General**

ART. 86, ATM 3/78

In addition to the general conditions set forth in Section 10.11 of this Bylaw for all special permits, the following special conditions shall apply to the following uses in this article listed as special permits in various districts in the Table of Use Regulations.

#### **Section 11.02 - Environmental Performance**

No new building or part thereof shall be constructed or used, and no premises shall be used, and no building or part thereof shall be altered, enlarged, reconstructed or used as follows:

- a. For any purpose which by the emission or discharge of fumes, vapor, gas, dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the public health or safety.
- b. For any purpose which would be for any reason injurious to the health, safety, morals or welfare of the community or harmful to property therein.

#### **Section 11.03 - Removal of Sand, Gravel, Quarry or Other Earth Materials**

ART. 12, ATM 5/91

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws), except by permission of the ZBA.

#### **Section 11.04 - Floodplain District**

- a. **OBJECTIVES.** The objectives of this District are to promote:

1. The health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
2. To prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.
3. The preservation of the natural flood control characteristics and the water storage capacity of the floodplain.

4. To protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.
5. The safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, shortcircuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

ART. 47, STM 3/82; ART. 7, ATM 5/04, ART. 2, STM 5/10

- b. DEFINITION. The Floodplain District is superimposed over any other district established by this Bylaw. The 100-year floodplain is defined as the relatively flat lowland which adjoins a watercourse or other body of water and which is subject to seasonal or periodic flooding by the watercourse or water body at a storm frequency of 100 years. Specifically, the Floodplain District includes those areas along the Mill Brook, Alewife Brook, Mystic River, Spy Pond, Arlington Reservoir, and Mystic Lakes which are in the 100-year floodplain as established on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the 100-year floodplain shown on the Middlesex County FIRMs (panel numbers 25017C0412E, 25017C0416E, 25017C0417E, 25017C0418E, and 25017C0419E), dated June 4, 2010, and further defined by the Middlesex County Flood Insurance Report (FIS), dated June 4, 2010. The FIRMs and FIS Report are incorporated herein by reference and are on file with the Town Clerk, Arlington Redevelopment Board, Director of Inspections, and Conservation Commission.

ART. 46, STM 3/82; ART. 6, ATM 4/98; ART. 7, ATM 5/04, ART 2., STM, 5/10

- c. INTERPRETATION AND APPLICATION. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 11.04, Section 11.05 (Inland Wetland District), G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the Massachusetts State Building Code that addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, 'Flood Resistant Construction and Construction in Coastal Dunes', and shall require a building permit. The extent of the Floodplain District shall be determined by the Inspector of Buildings under Section 3.05(g) of the bylaw.

ART. 46, STM 3/82; ART. 4, ATM 5/91, ART. 2, STM, 5/10, ART. 11, ATM, 4/11

- d. PERMITTED USES. Mobile homes shall not be permitted at any location in the Floodplain District, and no construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS. Certain uses may be permitted in the Floodplain District as follows:

1. As a Right

- (a) The following outdoor uses shall be permitted as a right subject to the further provisions of this Section 11.04(d) and provided no buildings or structures are erected: From Section 5.04: Uses 3.01, 3.02, 4.01, 4.08; also, wildlife management areas, foot, bicycle, and/or horse paths.
- (b) For single family detached dwellings, two-family dwellings, or duplex houses existing at the time this Section is advertised (August 1975), the expansion of these (or their accessory) uses to a maximum of fifteen (15) percent of the lot coverage existing when this section is enacted, provided that such expansions conform to Section 6.00, and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this subsection 11.04(d)(1) shall use construction materials and utility equipment that are

resistant to flood damage, and construction methods and practices that will minimize flood damage.

2. By Special Permit.

ART. 46, STM 3/82; ART. 4, ATM 5/91; ART. 7, ATM 5/04, ART. 2, STM, 5/10, ART. 10, ATM 4/11

No structure or building shall be erected, constructed, substantially improved, enlarged (except as provided in 11.04(d)(1)(b)), or otherwise created or moved, no earth or other material dumped, filled, excavated, or transferred, unless all the following conditions are found to exist as part of the granting of a Special Permit by the ZBA or, in cases subject to Environmental Design Review, the granting of a Special Permit by the ARB:

2.1 The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface elevation of the 100-year flood;

2.2 The proposed use shall comply with the regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw (Title V, Article 8).

2.3 Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.

The provisions of this subsection 11.04(d)(2) shall not apply to the reconstruction or repair of a structure, unless it constitutes substantial improvements as defined in 11.04 (d)(1.b), existing at the time of advertisement of this section (August 1975) after a fire or other casualty as provided in Section 9.06 of this Bylaw. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.

2.4 In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

ART. 10, ATM 4/88, ART. 2, STM, 5/10, ART. 10, ATM 4/11

e. PERMIT AND PROCEDURE. Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental Protection, and the Massachusetts Highway Department under Chapter 131 of the General Laws, Acts Relating to the Protection of the Inland Wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for Special Permit with accompanying plans shall also be sent at the same time by the applicant to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.

f. REQUIRED SUBMITTALS

1. Submission of a location plan at the scale of 1 " = 600' showing the lot(s) to be developed, lot lines within which the development is proposed, and tie-in to the nearest road intersection.

2. A site plan at a scale of 1" = 50' shall be prepared by a registered land surveyor or registered professional engineer. The site plan shall be submitted to the ZBA and shall show at least the following:
  - (a) The location, boundaries, and dimension of each lot in question.
  - (b) Two-foot contours of the existing and proposed land surface.
  - (c) The location of existing and proposed structures, watercourses, and drainage easements, means of access, and drainage.

ART 2, STM, 5/10

g. BOARD OF APPEALS PROCEDURE.

1. The ZBA shall not take final action on an application for a special permit hereunder until it has received a report thereon from the Inspector of Buildings, the Board of Health, the Conservation Commission, Town Engineer, and the ARB or until 30 days have elapsed after receipt of such application and plans without submission of a report.
2. The ZBA may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.

ART 2, STM, 5/10

- h. OCCUPANCY PERMIT. No occupancy permit shall be issued for special permit uses under subsection 11.04(d)(2) until the Inspector of Buildings, and the Board of Health, the Conservation Commission ZBA and the ARB have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.
- i. AREAS, OPEN SPACE, AND YARD REGULATIONS. The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the District in which the remainder of the lot is situated.

ART 10, ATM, 4/11

- j. EXEMPTIONS IN THE FLOODPLAIN DISTRICT. Where a proposed use is determined to fall within the limits of the Floodplain District, but the applicant for the proposed use determines that the location for his proposed use is not included in the definition of the Floodplain District, said use may be exempt by the ZBA or the ARB, as the case may be, from the provisions of this section if the applicant provides sufficient evidence for the ZBA or the ARB in cases subject to Environmental Design Review to clearly determine that the land in question should not be subject to the provisions of this Section.

If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed subject to the provisions of Section 12.01 of this Bylaw provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

ART 2, STM, 5/10

- k. NOTIFICATION OF ALTERATION. In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:

- Chief Executive Officers in Adjacent Communities
- NFIP State Coordinator
 

Massachusetts Department of Conservation and Recreation  
   251 Causeway Street, Suite 600-700  
   Boston, MA 02114-2104
- NFIP Program Specialist
 

Federal Emergency Management Agency, Region I  
   99 High Street, 6<sup>th</sup> Floor  
   Boston, MA 02110

#### **Section 11.05 - Inland Wetland District**

- a. **PURPOSE.** The purpose of this district is:
  1. To preserve and protect the streams, water bodies, and other watercourses, including wetlands and marshlands, in the Town of Arlington.
  2. To protect the health and safety of persons and property against the hazards of flooding and contamination.
  3. To preserve and maintain the groundwater table for potential water supply purposes.
  4. To protect the community against the detrimental use and development of lands adjoining such watercourses.
  5. To conserve the watershed areas of the Town of Arlington for the health, safety, and welfare of the public.

#### **ART. 4, ATM 5/91**

- b. **DEFINITION.** The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:
  1. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds, swamps, and marshes.
  2. All land area along all rivers, brooks, and streams for a horizontal distance of 25 feet from the center line thereof are included in the Inland Wetland District.
  3. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.
- c. **INTERPRETATION AND APPLICATION.** Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section 3.05 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

ART 10, ATM 4/11

d. PERMITTED USE. Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

1. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 9.06 of this Bylaw.
2. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw becomes effective.
3. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued.

ART. 10, ATM 4/88, ART. 10, ATM 4/11

e. PERMIT AND PROCEDURE. Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. (Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Environmental Quality Engineering, and the Massachusetts Department of Public Works under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.

f. REQUIRED SUBMITTALS

1. Submission of a location plan at a scale of 1" = 600' showing the lot(s) to be developed, lot(s) lines within which the development is proposed, and tie-in to the nearest road intersection.
2. A site plan at a scale of 1" = 50' shall be prepared by a registered land surveyor or registered professional engineer. The site plan shall be submitted to the ZBA and shall show at least the following:
  - (a) The location, boundaries, and dimension of each lot in question.
  - (b) Two-foot contours of the existing and proposed land surface.

- (c) The locations of existing and proposed structures, watercourses, and drainage easements, means of access, drainage, and sewage disposal facilities.
- (d) The elevation of the basement and first floor.
- (e) The area and location of leaching fields.

g. DEVELOPMENT CONDITIONS. For the development of land within the Inland Wetland District, the following conditions shall apply:

1. If the lot(s) is to be served by a public sewerage system, the following conditions shall apply:
  - (a) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
  - (b) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
  - (c) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
  - (d) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
2. If the lot(s) is to be served by an on-lot septic system, the following conditions including those listed previously shall apply:
  - (a) The leaching area designed for use, as well as a reserved area for future expansion or total future use, shall be plotted with dimensions on the site plan.
  - (b) A minimum of two percolation tests per leaching area shall be performed. The maximum groundwater table shall be determined during the last two weeks of March or the first three weeks of April.

At least two observation pits at least six (6) feet in depth shall be dug to determine soil profiles. The observation pits may be dug during other times of the year, and shall be accompanied by a detailed report compiled by a soil scientist or qualified engineer.
  - (c) The leaching areas shall not be constructed in areas where the maximum groundwater elevation is less than 4 feet below the bottom of the leaching areas.
3. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, shortcircuiting, grounding, igniting or electrocuting; obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater

resources or increase stormwater run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

h. BOARD OF APPEALS PROCEDURE.

1. The ZBA shall not take final action on an application for a special permit hereunder until it has received a report thereon from the Inspector of Buildings, the Board of Health, the Conservation Commission, Town Engineer, and the ARB, or until 30 days have elapsed after receipt of such plan without the submission of a report.
2. The ZBA may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.
- i. OCCUPANCY PERMIT. No occupancy permit shall be issued until the Inspector of Buildings and the Board of Health, Conservation Commission, Town Engineer, and the ARB have received a certified plan showing the foundation and flood elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and until all requirements of all permits are satisfied.
- j. AREAS AND YARD REGULATIONS. The portion of any lot within the Inland Wetland District may be used to meet the lot area, open space and yard requirements for the District in which the remainder of the lot is situated.
- k. EXEMPTIONS IN THE INLAND WETLAND DISTRICT. Where a proposed use is determined to fall within the limits of the Inland Wetland District, but the applicant for the proposed use determines that the location for his proposed use is not wet or subject to periodic flooding and should not, therefore, be included in the definition of the Inland Wetland District, said use may be exempt by the ZBA from the provisions of this section if the applicant provides sufficient evidence for the ZBA to clearly determine that the land in question should not be subject to the provisions of this Section.

**Section 11.06 - Environmental Design Review**

- a. PURPOSE. The purpose of this section is to provide individual detailed review of certain uses and structures which have a substantial impact upon the character of the town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental design review process is intended to promote the specific purpose listed in Section 1.03 of this Bylaw. For the purpose of implementation of this Section, the ARB is designated as the Special Permit Granting Authority in accordance with the provisions of Chapter 40A, Section 1.

b. APPLICATION.

ART. 74, ATM 3/77; ART. 80, ATM 4/80; ART. 8, ATM 4/94; ART. 11, STM 5/97; ART. 9, ATM 4/98,

ART. 8, ATM 4/11

1. In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use a) requires a building permit, b) is subject to a special permit in accordance with Section 5.04, Table of Use Regulations, or alters the facade in a manner that affects the architectural integrity of the structure, and c) is one of the uses included in subparagraphs (a), (b), (c), (d), (e), (f), (g), or (h) below, the aforementioned special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards hereinafter specified.

- (a) Construction or reconstruction on a site abutting  
Massachusetts Avenue  
Pleasant Street  
Mystic & Medford Streets between Massachusetts Avenue and Chestnut Street  
Broadway  
Minuteman Bikeway

ART. 16, ATM 4/01; ART. 5, ATM 4/05

- (b) Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, constructed within a two year period.
- (c) Gasoline service stations.

ART. 13, ATM 5/91

- (d) Lodging house, bed and breakfast, bed and breakfast home or a rehabilitation residence with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- (e) Nonresidential uses and hotels or motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- (f) Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.

ART. 6, ATM 4/02

- (g) Outdoor uses.

ART. 17, ATM 5/11

- (h) Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.

ART. 6, ATM 4/16

- (i) Mixed Use

ART. 2, STM 9/04

- 2. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District shall be subject to the environmental design review procedures and standards hereinafter specified.

ART. 7, ATM 5/07

- 3. Parking in the Open Space District shall be subject to the environmental design review procedures and standards hereinafter specified.

ART. 6, ATM 4/14

- 4. Use 7.10 (Medical Marijuana Treatment Center) shall be subject to the environmental design review procedures and standards hereinafter specified.

\*c. PERMIT AND PROCEDURE.

- 1. Uses subject to the provisions of this section may be allowed by special permit. Any person desiring such a permit shall submit an application to the ARB in accordance with the application procedure for special permits.

A copy of the application with the accompanying plans, photographs, and sign permit application shall be submitted at the same time to the Department of Planning and Community Development.

2. Planned Unit Development District. Every developer in a Planned Unit Development district shall file an application for an environmental design review. The application shall include the material listed in 11.06(d), as well as the following:

- (a) The plans shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s), setbacks, and all other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury.
- (b) The corner points of the lot (or lots under common ownership) and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked.

The ARB shall review the plans and model and may grant a special permit subject to the conditions and safeguards listed in Section 10.11(b). The ARB for stated reasons may deny approval of a special permit or may approve a special permit without a finding of hardship.

The site plan shall be subject to the standards listed in Section 11.06(f) and the ARB shall make a determination that the project meets these standards.

#### ART.102, ATM 3/83

Before granting a special permit, the ARB shall hold a public hearing, notice of which shall be given in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership, and to all property owners deemed by the ARB to be affected thereby. The ARB shall make a copy of the site plan, the model, the application and any other supporting material submitted, immediately available to the Department of Planning and Community Development and they shall have an opportunity to prepare written reports with recommendations to be submitted to the ARB before or at the public hearing. The failure of the Department of Planning and Community Development to submit written reports or to give an oral report at the public hearing shall not invalidate action by the ARB. A favorable decision by the ARB shall require the votes of at least four members of said Board.

#### ART. 17, ATM 5/11

d. REQUIRED SUBMITTALS. In addition to the site plan required for special permits in Section 10.11(c) of this Bylaw, the application shall be accompanied by the following:

1. Model. An inexpensive study model or final presentation model at a minimum scale of 1" = 40' showing the tract, abutting streets, proposed contours, proposed buildings, and the massing of abutting buildings. (Not required for additions, alterations, or changes in use which increase gross floor area by less than 100 percent.)
2. Drawing of Existing Conditions. A drawing (at a minimum of 1" = 20' unless another scale is found suitable by the Department of Planning and Community Development) showing the location, type, size, or dimension of existing trees, rock masses, existing topography at two (2) foot contours, and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a special permit, all existing trees, rock masses, and other natural features shall be retained until a special permit is approved.

\*See enclosed flow chart found in Art. 10.

3. Drawing of Proposal.
  - (a) Structure: a drawing including color and type of surface materials showing front and rear elevations, and side elevations where there are no adjoining buildings, and floor plans.
  - (b) Landscape: a drawing showing the location, dimensions, and arrangements of all open spaces and yards, including type and size of planting materials, color and type of surface materials, methods to be employed for screening, and proposed topography at two (2) foot contours.
4. Photographs. Photographs showing the proposed building site and surrounding properties, and of the model (if required). Applications for alterations and additions shall include photographs showing existing structure or sign to be altered and its relationship to adjacent properties.
5. Impact Statement. Statement by applicant with explanation of how each of the environmental design review standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or Federal regulations may be accepted as a substitute in lieu of this statement.
6. Application for permit and accompanying plans as specified under Section 10.05 for each sign that is to be erected on the proposed structure(s).

ART. 17, ATM 5/11

7. In lieu of the required submittals listed above, an application for a special permit under Use 8.24 of Section 5.04 shall include an overall signage plan comprised of the information required under Section 7.08(b) as well as perspectives, renderings, photographs, models, or other representation sufficient to show the nature of the proposed overall signage plan and its effect on the immediate surroundings.
- e. ARLINGTON REDEVELOPMENT BOARD PROCEDURE. The ARB shall within 10 days refer the proposal and model thereof to the Department of Planning and Community Development which for the purposes of this section shall serve in an advisory capacity to the ARB. The Department of Planning and Community Development shall evaluate the proposed use on the basis of the standards set forth in paragraph f. of this section and Section 10.11(a), using outside consulting services when appropriate, and shall submit its findings and recommendations in a design review report to the ARB which specifically addresses each standard individually.

The ARB shall not take final action on an application for a special permit under this section until it has received the design review report or until 30 days have elapsed after submittal of said proposal to the Department of Planning and Community Development.

The ARB shall not deny a special permit required by this section unless it finds that the proposed use does not comply with the standards listed in paragraph f. to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood in which the use is proposed, or of the town and upon traffic, utilities and public or private investments therein, thereby conflicting with the purposes of this Bylaw.

- f. ENVIRONMENTAL DESIGN REVIEW STANDARDS. The following standards shall be utilized by the Arlington Redevelopment Board and the Department of Planning and Community Development in

reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in subsections (1) through (11) below shall also apply to all accessory buildings, structures, free-standing signs and other site features; however related to the major buildings or structures.

1. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. Relation of Buildings to Environment. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.

ART. 15, ATM 5/91

3. Open Space. All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

ART.5, ATM 4/04

4. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

ART. 8, ATM 6/05

5. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed; and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

6. Utility Service. Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
7. Advertising Features. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
8. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
10. Heritage. With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
11. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

#### ART. 12, ATM 4/08

12. Sustainable Building and Site Design. Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED®) checklist, appropriate to the type of development, annotated with narrative description, that indicates how the LEED® performance objectives will be incorporated into the project.

#### Section 11.07 - Filling of Any Water or Wet Area

For the filling in of any pond, lake, swamp, or other existing body of water or wet area, and the filling in of any swale, valley, or other area or depression, where such filling in requires an amount of fill equivalent to five hundred (500) cubic yards or more, or where the area to be filled in exceeds ten thousand (10,000) square feet and where such filling has received prior approval of the appropriate state officials under the applicable provisions of Chapter 131 of the General Laws, the following conditions apply:

- a. A location plan at a scale of one (1) inch equals six hundred (600) feet showing the area to be filled in, property lines within which the filling is proposed and tie-in to the nearest road intersection shall be submitted.
- b. A site plan shall be submitted to a scale of one (1) inch equals forty (40) feet of the premises and surrounding area within one hundred (100) feet showing, in addition to a. above, existing and proposed contour lines at intervals of not more than two (2) feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer or registered land surveyor.
- c. Provision shall be made for temporary and permanent drainage of the site.
- d. Fills shall be limited to terrace fills which are not to exceed ten (10) feet at any one (1) time nor be within ten (10) feet of an adjacent property line or any cut.
- e. Regrading of all parts of the slopes resulting from such fill shall be carried out.
- f. At least four (4) inches of topsoil shall be replaced over all filled or otherwise disturbed surfaces with seeding with a perennial cover crop, reseeding as necessary to assure uniform growth and soil surface stabilization.
- g. A plan for lighting if night operation is contemplated shall be submitted.
- h. Where any fill will have a depth of ten (10) feet or more and create a slope of more than one in two, there shall be a substantial fence enclosing the fill at least six (6) feet in height with suitable gates. Such fence shall be located ten (10) feet or more from the edge of the fill.
- i. The planned filling in shall be consistent with any recreation, conservation and open space plan as prepared by the ARB or the Department of Planning and Community Development.
- j. Documentation shall be submitted as to the effect of such filling in on drainage both within the immediate area and sufficiently far downstream as required by the Building Inspector and in accordance with Section 11.04.

#### **Section 11.08 - Affordable Housing Requirements**

ART. 16, ATM 4/01

- a. PURPOSE. The purpose of these requirements is to promote the public health, safety and welfare by encouraging the expansion and upgrading of the Town's housing stock, especially its affordable housing; to provide for a full range of housing choices for households of all incomes, ages, and sizes; to minimize the displacement of lower income Arlington residents; and to increase the production of affordable housing to meet employment needs.
- b. APPLICATION. The provisions of this Section 11.08 shall apply to all new Residential projects, including Phased or Segmented Developments, with six or more Units subject to Environmental Design Review pursuant to Section 11.06(b).

c. DEFINITIONS. The following definitions shall apply only to Section 11.08:

ART. 9, ATM 5/07

Affordable Units:

Rental Units priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 60% of median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of median income.

ART. 9, ATM 5/07

Eligible Household:

For ownership units, a household whose total income does not exceed 80% of the Median Income of households in the Boston metropolitan area as defined by the U.S. Department of Housing and Urban Development adjusted for household size. For rental units, a household whose total income does not exceed 70% of the Median Income of households in the Boston metropolitan area as defined by the U.S. Department of Housing and Urban Development, adjusted for household size.

Fair Market Rent:

An amount determined by the U.S. Department of Housing and Urban Development, and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program. Said amount is adjusted for unit size and an allowance for utility costs.

Median Income:

The income set forth in or calculated based on U.S. Department of Housing and Urban Development regulations, as amended.

Phased or Segmented Project:

A project on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are sought within a period of two years from the first date of application for any special or building permits for the Project.

Project:

Developments subject to the requirements of Section 11.08.

ART. 5, ATM 4/05, ART. 14, ATM, 4/11

Residential:

Use items 1.01a, 1.02a, 1.03, 1.04, 1.05, 1.07 and 1.10 listed in Table 5.04.

Units:

Dwelling Units or Lodging Units.

d. REQUIREMENTS

1. Fifteen percent (15%) of the Residential Units in new Projects shall be Affordable Units. In determining the total number of Affordable Units required, calculation of a fractional unit of .5 or more shall be regarded as a whole unit.

ART. 9, ATM 5/07

2. Affordable Units' prices shall be calculated such that household size matches the number of bedrooms plus one.

ART. 9, ATM 5/07

3. Affordable Units shall conform to all requirements for inclusion on the state's Subsidized Housing Inventory.

4. Affordable Units shall be located on the Project site.
  - (a) In exceptional circumstances the ARB may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing Affordable Units, if it finds that:
    - (i) it is in the best interest of the Town to do so, or
    - (ii) the provision of Affordable Units would result in a hardship such as rendering the Project economically infeasible.
  - (b) The financial contribution for each Unit shall be equal to the difference between the fair market value of a market-rate unit and the price of an Affordable Unit, and shall be payable in full prior to issuance of a final occupancy permit.

ART. 9, ATM 5/07

- (c) Affordable Units shall be dispersed throughout the project and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

e. INCENTIVE

1. Notwithstanding the special permit requirement in Section 8.12(a)(10), the applicant shall have the option to reduce the number of spaces required in the Table of Off-Street Parking Regulations by up to 10%.

ART. 6, ATM 4/05

2. Notwithstanding the special permit requirements in Section 8.12 (a)(10), in the case of a single room occupancy dwelling, dormitory, boarding house or lodging house, where more than 50% of the units are affordable to households earning no more than 60% of the median income, according to Section 11.08(c), DEFINITIONS, "Affordable Units", the number of parking spaces may be reduced to 50% of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

f. ADMINISTRATION

1. The ARB shall be charged with the administration of this Section 11.08 and may promulgate rules and regulations to implement its provisions.
2. Occupancy permits may be issued for fair market rate units prior to the end of construction of the entire project provided that occupancy permits for Affordable Units are issued simultaneously on a pro-rata basis according to the formula set forth in section d, paragraph 1.
3. Sales prices, resale prices, initial rents and rent increases for Affordable Units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.
4. The Affordable Units in Projects shall be subject to a marketing plan approved by the Director of Housing, consistent with Fair Housing laws and the Town's approved Fair Housing policy.
5. Condominium documentation shall provide the owners of the Affordable Units with voting rights sufficient to ensure an effective role in condominium decision-making.
6. All legal documentation shall be reviewed by and subject to approval of legal counsel to the Town.

## **Section 11.09 – Temporary Prohibition of Medical Marijuana Treatment Centers**

ART. 8, ATM 4/13

### **a. PURPOSE:**

By vote at the state election in November 2012, the voters of the Commonwealth adopted a law permitting qualifying individuals to obtain and use marijuana to address medical issues without threat of state criminal prosecution. This law, Chapter 369 of the Acts of 2012, went into effect on January 1, 2013. The de-criminalization of marijuana under this law raises novel and complex legal, planning, health, and safety issues that the Town needs time to consider in order to allow for its orderly implementation with appropriate mitigation of potential negative consequences. Under the law, the state Department of Public Health will issue regulations governing, among other things, the registration and regulation of local dispensaries of marijuana, marijuana products, and related supplies. The siting and operation of these dispensaries is of specific municipal interest and, currently, the content of the Department of Public Health regulations is unknown. The temporary prohibition of marijuana dispensaries under this section will enable the Town to thoroughly and responsibly consider location and other reasonable restrictions on the operation of any marijuana dispensaries that may be opened within the Town, consistent with the law and the regulatory approach to be adopted by the state.

### **b. DEFINITIONS:**

Medical Marijuana Treatment Center:  
is defined as it is in Chapter 369 of the Acts of 2012, for purposes of this section

Medical Marijuana Planning Period:  
is the period of the temporary prohibition set forth herein

### **c. TEMPORARY PROHIBITION:**

For the reasons set forth above and notwithstanding any other provision of this Zoning Bylaw or any general or special law to the contrary, no land or buildings shall be used within the Town of Arlington for operation of a Medical Marijuana Treatment Center before the dissolution of the 2014 Annual Town Meeting. During this Medical Marijuana Planning Period, the Town will: (i) evaluate regulations and other guidance promulgated by the state Department of Public Health concerning Medical Marijuana Treatment Centers and related uses; (ii) undertake a planning process to address the potential effects that the presence of Medical Marijuana Treatment Centers in the Town would have upon the general health, safety, and welfare as well as on other property uses; (iii) consider amending these Zoning Bylaws to govern the operation and impact of Medical Marijuana Treatment Centers; and (iv) through its Board of Health, consider the adoption of reasonable health regulations and permitting procedures applicable to Medical Marijuana Treatment Centers consistent with state requirements, rights, and obligations.”

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## ARTICLE 12

### AMENDMENT, VALIDITY, AND EFFECTIVE DATE

#### **Section 12.01 – Amendment**

ART. 87, ATM 3/79

This Bylaw may be amended from time to time in accordance with Section 5 of the Zoning Act. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all abutters of the land referred to in the petition. A separate conspicuous statement shall be included with property tax bills sent to nonresident property owners stating that notice of hearings to amend this bylaw by making boundary or use changes within a district in which the nonresident owner owns property shall be sent postage prepaid to any such owner who files an annual request for such notice with the Town Clerk no later than January First and pays an annual fee of two dollars.

#### **Section 12.02 - Validity**

The invalidity of any section, paragraph or provision of this Bylaw, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provisions of this Bylaw, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.

#### **Section 12.03 - Effective Date**

This Bylaw shall take effect upon acceptance by the Town and its approval by the Attorney General and publication according to Section 32 of Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

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